ATTORNEY OR PART NAME, ADDRESS, TELEPHONE & FAX NUMBER, AND CALIFORNIA STATE BAR NUMBER	FOR COURT USE ONLY
Michael S. Kogan (SBN 128500) **KOGAN LAW FIRM, APC,** **1901 Avenue of the Stars, Suite 1050** Los Angeles, California 90067 Telephone (310) 432-2310, mkogan@koganlawfirm.com	
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In Re: **MICHAEL PENTA and BARRIE PENTA** Debtor(s)	CASE NO.: **1:12-bk-18758-VK**

AMENDED NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: July 23, 2013	**Time:** 2:00 p.m.
Location: 21041 Burbank Blvd., Woodland Hills, CA 91367, Courtroom 301	

Type of Sale: X Public ☐ Private Last Date to File Objections: July 2, 2013

Description of Property to be Sold: Estate's interest in the real property located at 27824 Blythedale Road, Agoura Hills, California 91301

Terms and Conditions of Sale: as-is with no warranties whatsoever as to condition, **free and clear of** liens, claims and encumbrances

Proposed Sale Price: $1,164,000 free and clear of liens claims and encumbrances

Overbid Procedure (If Any): $1,184,000 initial bid ($100,000 deposit to overbid) (sold free of liens, claims and encumbrances)

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

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e-mail address):

Michael S. Kogan
KOGAN LAW FIRM, APC
1901 Avenue of the Stars, Suite 1050
Los Angeles, CA 90067

Date: 6/18/2013

EXHIBIT A

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Attorneys for David Gottlieb,
Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

SAN FERNANDO VALLEY DIVISION

In re	**Case No. 1:12-bk-18758-VK**
MICHAEL PENTA and BARRIE PENTA,	**Chapter 7**
Debtors.	**AMENDED NOTICE OF MOTION AND HEARING ON MOTION FOR SALE OF PROPERTY OF THE ESTATE FREE AND CLEAR OF LIENS**
	New Hearing Date and Time: Date: July 23, 2013 Time: 2:00 p.m. Place: Courtroom 301 21041 Burbank Blvd. Woodland Hills, CA 91367

PLEASE TAKE NOTICE that on **July 23, 2013 at 2:00 p.m.,** the Honorable Victoria Kaufman, United States Bankruptcy Judge in Courtroom 301 of the United States Bankruptcy Court for the Central District of California, located at 21041 Burbank Boulevard, Woodland Hills, California (the "**Court**") will hear the Motion for Sale of Property of the Estate Free and Clear of Liens (the "**Motion**") filed by David Gottlieb, the duly appointed Chapter 7 Trustee (the "**Trustee**") of the bankruptcy estate of Michael Penta and Barrie Penta (the "**Debtors**"). The Motion is based on the filed Memorandum of Points and Authorities, the Declaration of David Gottlieb (the "**Gottlieb Declaration**") attached to the Motion, the arguments and statements of counsel to be made at the hearing on the Motion, and other admissible evidence properly brought before the Court.

Pursuant to the Motion, the Trustee seeks an order, pursuant to Section 363(b)(1) of Title 11 of the Bankruptcy Code (the "**Bankruptcy Code**"), for an order approving the sale of the estate's 1/3 ownership interest in the condominium located at 27824 Blythedale Road, Agoura Hills, California 91301 (the "**Property**") to Albert Brenner and Kristin Brenner (the "**Buyer**"). The Buyer will pay the purchase price (the "**Purchase Price**") of $1,164,000 for the Property. The Property will be sold free and clear of any liens, claims, and interests pursuant to Sections 363(f)(1), (f)(2) and (f)(3) of the Bankruptcy Code with the lien rights, if any, to attach to the sale proceeds.[1] The total value of the liens against the Property is approximately $804,000. The Trustee believes that all burdens of establishing a sound business justification for the sale of the Property have been met. The sale will further be advertised by the local real estate agents in the local newspapers and the MLS listings, and will be noticed to creditors and interested parties. The Motion also requests payment of sales commissions and the Debtors homestead exemption at the discretion of the Trustee.

The Trustee believes that all burdens of establishing a sound business justification for the sale of the Property have been met:

1. The Trustee believes that the Purchase Price maximizes the value of the Property to the estate.

2. The terms of the sale with the Buyer has been negotiated at arms-length and the consideration for purchase of the Property is fair and reasonable, and represents the fair market value for the Property.

3. Additionally, the Trustee has satisfied all procedural requisites of notice of the Motion to obtain Court approval of this sale.

4. The terms of the proposed sale are embodied in the Agreement of Sale (the "**Agreement**"), attached as Exhibit "A" to the Motion and incorporated herein by this reference.

The Purchase Price is the highest and best offer that the Trustee has received and expects

[1] The Property will not be sold free and clear of certain covenants and easements which are fully described in the Motion.

to receive for the Property. Furthermore, to maximize the greatest value for this estate and its creditors, parties offering to purchase the Property, shall have the opportunity to overbid ("**Overbid**") for the purchase of the Property at the hearing on the Motion, on substantially the same or better terms as set forth in the Agreement.

The sale of the Property will be subject to an overbid auction to be held at the hearing on the Motion, with any overbid to begin at $1,184,000. In order to maximize the greatest value for this estate and its creditors, at the time of the Sale, parties offering to purchase the Property free and clear of all liens and encumbrances shall have the opportunity to overbid the purchase of the Property on substantially the same or better terms as those set forth in the Agreement. A true and correct copy of the Agreement is attached to the Motion as Exhibit "A." Any initial overbid shall be in an amount not less than $1,184,000, with subsequent bids in increments of $5,000 or such amount set by the Court.

Any party that wishes to overbid must bring cash, cashier's check, or money order made payable to "David Gottlieb", Chapter 7 Trustee" in the amount of $100,000 to the auction. Such deposit shall become the non-refundable deposit of the successful buyer(s) at the sale. No interest will be paid on such deposits. The deposit shall be forfeited to the Trustee if the winning overbidder or buyer(s) is unable, for any reason to close the sale within seven (7) days of the hearing. Additionally, any overbidder must be able to demonstrate the ability to pay the final purchase price and the ability to successfully consummate the sale transaction, at the time of the Sale. The Buyer shall have the right to participate in any overbid proceeding. In the event of an overbid proceeding, the remaining portion of the purchase price shall be made within seven (7) business days of the Sale. Pursuant to the Agreement, the estate's interest in the Property shall be sold "as is" with no warranties whatsoever as to condition, fitness for use, sale or repair, or otherwise.

In the event of an overbid proceeding, the last bid before the final successful overbid shall

be noted as a back-up bid. In the event of default by the successful overbidder, the back-up bid shall be accepted by the Trustee and the back-up bidder shall have seven (7) business days to complete the sale transaction.

FOR COMPLETE DETAILS OF THE SALE ANY INTERESTED PARTY SHOULD CONSULT THE MOTION.

Any party desiring a copy of the Motion, Memorandum of Points and Authorities, the Agreement, and Declaration of David Gottlieb may review the file at the Court or contact the attorneys for the Trustee for a copy.

Anyone who wishes to oppose the Motion must do so in a writing that complies with the rules of practice and procedure before the United States Bankruptcy Court for the Central District of California, and pursuant to Local Bankruptcy Rule 9013-1(1)(g), and must ensure that such opposition is filed with the Court no later than fourteen (14) days prior to the hearing on the Motion. Any such opposition must also be served on counsel to the Trustee at the following address:

Michael S. Kogan
KOGAN LAW FIRM, APC
1901 Avenue of the Stars, Suite 1050
Los Angeles, California 90067

and on the United States Trustee, 21051 Warner Center Lane, Suite 115, Woodland Hills, California 91367. Any opposition not so filed and served may be deemed to constitute consent to the relief requested in the Motion and a waiver of the right to be heard at the hearing on the Motion.

Wherefore, the Trustee respectfully requests that the Court authorize the sale of the Property pursuant to the terms of the Agreement and granting to the Trustee such other relief necessary and appropriate.

DATED: June 24, 2013 **KOGAN LAW FIRM, APC**

By: /s/ Michael S. Kogan
Michael S. Kogan
Attorneys for Trustee

In re: MICHAEL PENTA and BARRIE PENTA Debtor(s).	CHAPTER: 7 CASE NUMBER: 1:12-bk-18758-VK

NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

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: 1901 Avenue of the Stars, Suite 1050, Los Angeles, California 90067

A true and correct copy of the foregoing document described as **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:

I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On June 24, 2013, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

☒ Service information continued on attached page

II. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL**(indicate method for each person or entity served): On June 24, 2013 I served the following person(s) and/or entity(ies) at the last known address(es) 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/or with an overnight mail service 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

III. **SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on_____ I served the following person(s) and/or entity(ies) by personal delivery, 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 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 of America that the foregoing is true and correct.

June 24, 2013	Sharon Yeou	/s/Sharon Yeou
Date	*Type Name*	*Signature*

In re: MICHAEL PENTA and BARRIE PENTA Debtor(s).	CHAPTER: 7 CASE NUMBER: 1:12-bk-18758-VK

ADDITIONAL SERVICE INFORMATION (if needed):

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

- David Keith Gottlieb (TR) - dkgtrustee@crowehorwath.com, dgottlieb@ecf.epiqsystems.com
- ADSARVER@AOL.COM counsel for Debtor
- United States Trustee (SV) ustpregion16.wh.ecf@usdoj.gov

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Michael S Kogan on behalf of Trustee David Gottlieb (TR) - mkogan@koganlawfirm.com

Gilbert B Weisman on behalf of Creditor Toyota Motor Credit Corporation
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Jeremy Faith on behalf of Interested Party Courtesy NEF
Jeremy@MarguliesFaithlaw.com, Helen@MarguliesFaithlaw.com;MF_ecf@ecf.inforuptcy.com

Mark D Estle on behalf of Creditor Systems & Services Technologies, Inc.
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II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL - VIA U.S. MAIL

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