

ATTORNEY OR PART NAME, ADDRESS, TELEPHONE & FAX NUMBERS, AND CALIFORNIA STATE BAR NUMBER 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	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In Re: MICHAEL PENTA and BARRIE PENTA Debtor(s)	CASE NO.: 1:12-bk-18758-VK

SECOND 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: 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) – SEE ATTACHED NOTICE _____

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: 6/25/2013

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4 Los Angeles, California 90067
5 Telephone (310) 432-2310
6 mkogan@koganlawfirm.com

7 Attorneys for David Gottlieb,
8 Chapter 7 Trustee

9 **UNITED STATES BANKRUPTCY COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SAN FERNANDO VALLEY DIVISION**

12 **In re**) **Case No. 1:12-bk-18758-VK**
13)
14 **MICHAEL PENTA and BARRIE PENTA,**) **Chapter 7**
15)
16 **Debtors.**) **SECOND AMENDED NOTICE OF**
17) **MOTION AND HEARING ON MOTION**
18) **FOR SALE OF PROPERTY OF THE**
19) **ESTATE FREE AND CLEAR OF LIENS**
20)
21) **New Hearing Date and Time:**
22) **Date: July 23, 2013**
23) **Time: 2:00 p.m.**
24) **Place: Courtroom 301**
25) **21041 Burbank Blvd.**
26) **Woodland Hills, CA 91367**

27 **PLEASE TAKE NOTICE** that on **July 23, 2013 at 2:00 p.m.**, the Honorable Victoria
28 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**")¹ 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

¹ This Notice includes the correct description of the property to be sold and service list for this case and has been re-noticed to parties.

1 counsel to be made at the hearing on the Motion, and other admissible evidence properly brought
2 before the Court.

3 Pursuant to the Motion, the Trustee seeks an order, pursuant to Section 363(b)(1) of Title
4 11 of the Bankruptcy Code (the "**Bankruptcy Code**"), for an order approving the sale of the
5 estate's ownership interest in the real property located at 27824 Blythedale Road, Agoura Hills,
6 California 91301 (the "**Property**") to Albert Brenner and Kristin Brenner (the "**Buyer**"). The
7 Buyer will pay the purchase price (the "**Purchase Price**") of \$1,164,000 for the Property. The
8 Property will be sold free and clear of any liens, claims, and interests pursuant to Sections
9 363(f)(1), (f)(2) and (f)(3) of the Bankruptcy Code with the lien rights, if any, to attach to the sale
10 proceeds.² The total value of the liens against the Property is approximately \$804,000. The
11 Trustee believes that all burdens of establishing a sound business justification for the sale of the
12 Property have been met. The sale will further be advertised by the local real estate agents in the
13 local newspapers and the MLS listings, and will be noticed to creditors and interested parties. The
14 Motion also requests payment of sales commissions and the Debtors homestead exemption at the
15 discretion of the Trustee.

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

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

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

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

25 4. The terms of the proposed sale are embodied in the Agreement of Sale (the
26

27 ² The Property will not be sold free and clear of certain covenants and easements
28 which are fully described in the Motion.

1 **“Agreement”**), attached as Exhibit “A” to the Motion and incorporated herein by this reference.

2 The Purchase Price is the highest and best offer that the Trustee has received and expects
3 to receive for the Property. Furthermore, to maximize the greatest value for this estate and its
4 creditors, parties offering to purchase the Property, shall have the opportunity to overbid
5 (**“Overbid”**) for the purchase of the Property at the hearing on the Motion, on substantially the
6 same or better terms as set forth in the Agreement.

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

16 Any party that wishes to overbid must bring cash, cashier’s check, or money order made
17 payable to “David Gottlieb”, Chapter 7 Trustee” in the amount of \$100,000 to the auction. Such
18 deposit shall become the non-refundable deposit of the successful buyer(s) at the sale. No interest
19 will be paid on such deposits. The deposit shall be forfeited to the Trustee if the winning
20 overbidder or buyer(s) is unable, for any reason to close the sale within seven (7) days of the
21 hearing. Additionally, any overbidder must be able to demonstrate the ability to pay the final
22 purchase price and the ability to successfully consummate the sale transaction, at the time of the
23 Sale. The Buyer shall have the right to participate in any overbid proceeding. In the event of an
24 overbid proceeding, the remaining portion of the purchase price shall be made within seven (7)
25 business days of the Sale. Pursuant to the Agreement, the estate’s interest in the Property shall be
26 sold “as is” with no warranties whatsoever as to condition, fitness for use, sale or repair, or
27
28

1 otherwise.

2 In the event of an overbid proceeding, the last bid before the final successful overbid shall
3 be noted as a back-up bid. In the event of default by the successful overbidder, the back-up bid
4 shall be accepted by the Trustee and the back-up bidder shall have seven (7) business days to
5 complete the sale transaction.

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

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

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

17 Michael S. Kogan
18 KOGAN LAW FIRM, APC
19 1901 Avenue of the Stars, Suite 1050
Los Angeles, California 90067

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

24 DATED: June 25, 2013

KOGAN LAW FIRM, APC

25

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

27

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In re: MICHAEL PENTA and BARRIE PENTA Debtor(s).	CHAPTER: 7 CASE NUMBER: 1:12-bk-18758-VK
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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 **SECOND 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 25, 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 25, 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 25, 2013
Date

Sharon Yeou
Type Name

Is/Sharon Yeou
Signature

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

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

- David Keith Gottlieb (TR) - dkctrustee@crowehorwath.com, dgottlieb@ecf.epiqsystems.com
- ADSARVER@AOL.COM counsel for Debtor
- United States Trustee (SV) ustpreion16.wh.ecf@usdoj.gov

United States Trustee (SV) - ustpreion16.wh.ecf@usdoj.gov
Michael S Kogan on behalf of Trustee David Gottlieb (TR) - mkogan@koganlawfirm.com

Gilbert B Weisman on behalf of Creditor Toyota Motor Credit Corporation
notices@becket-lee.com

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.
mark.estle@buckleymadole.com

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL - VIA U.S. MAIL

Hon. Victoria Kaufman
U.S. Bankruptcy Court
21041 Burbank Blvd. #324
Woodland Hills, CA 91367

Debtor
Michael Penta and Barrie Penta
27824 Blythedale Road
Agoura Hills, California 91301

Debtors Attorney
Allan D Sarver
16000 Ventura Blvd Ste. 1000
Encino, CA 91436-2762

Creditors

AA Financial Services Visa
MBNA America
Wilmington, DE 19886-5137

Accord Creditor Services LLC
P.O. Box 10002
Newman, GA 30271

Ally Automotive Financing
P.O. Box 380901
Bloomington, MN 55438-0231

Ally Automotive Financing
P.O. Box 380901
Bloomington, MN 55438-0231

American DSNB
9111 Duke Blvd
Mason, OH 45040

American Express
P.O. Box 981537
El Paso, TX 79998-1537

AMERICAN HONDA FIN CORP
POB 168088
IRVING TX 75016

American Honda Finance
1220 Old Alpharetta Rd
Alpharetta, GA 30005

American InfoSource LP as agent for
TD Bank, USA
PO Box 248866
Oklahoma City, OK 73124-8866

American Medical Response
20101 Hamilton Ave #300
Torrance, CA 90502

ARBUCKLE ELECTRIC MOTORS INC
7548 SANTA MONICA BLVD
W HOLLYWOOD CA 90046

Arbuckle Electric Motors Inc.
7548 Santa Monica Blvd
Hollywood, CA 90046-6412

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Bank of the West
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San Ramon, CA 94583

BARRIE MICHEAL PENTA
MICHEAL PENTA PLUMBING
NINA B RIES RIES LAW GRP
3231 OCEAN PARK BLVD STE 121
SANTA MONICA CA 90405

Capital Recovery V, LLC
c/o Recovery Management Systems Corporat
25 SE 2nd Avenue Suite 1120
Miami FL 33131-1605

Chase Bank
Cardmember Services
P.O. Box 94014
Palatine, IL 66094-4014

Chase Bank -Bankruptcy
Attn: Correspondence Dept
P.O. Box 15298
Wilmington, DE 19850-5298

Chase Bank Mileage Plus
P.O. Box 15298
Wilmington, DE 19850

Chase Bank Pier 1 Imports
Cardmember Services
P.O. Box 94014
Palatine, IL 60094-4014

Chase Dennis Emg Med Grp
3429 Regal Drive
Alcoa, TN 37701-3265

Chase Home Loan
P.O. Box 78148
Phoenix, AZ 85062-8148

Chase Manhattan Mortgage
Attn: Bankruptcy Dept
P.O. Bo 24696
Columbus, OH 43224

Chase Manhattan Mortgage
10790 Rancho Bernardo
San Diego, CA 92127

Chase Manhattan Mortgage
Attn. Bankruptcy Dept
P.O. Box 24696
Columbus, OH 43224

Chase-United Mileage Plus
Cardmember Services
P.O. Box 94014
Palatine, IL 60094-4014

Citi Card
P.O. Box 6500
Sioux Falls, SD 57117

Citi Corp Credit Services
Centralized Bankruptcy
P.O. Box 20507
Kansas City, MO 64195

Citibank NA
Centralized Bankruptcy
P.O. Box 20507
Kansas City, MO 64195

Citibank Select
P.O. Box 6241
Sioux Falls, SD 57117-6241

Citibank South Dakota
Attn: Centralized Bankruptcy
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Kansas City, MO 64195

Citicard- Bankruptcy
Attn: Bankruptcy
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Kansas City, MO 64195

Coleman & Horowitz LLP
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Dell Financial Services
c/o DFS Customer Care Dept
P.O. Box 81577
Austin, TX 78708-1577

Dell Financial Services
Attn: Bankruptcy Dept

P.O. Box 81577
Austin, TX 78708

Dell Financial Services, LLC
Resurgent Capital Services
PO Box 10390
Greenville, SC 29603-0390

Desert Valley Medical Trans
File 55416-5
Los Angeles, CA 90074-5416

Discover Bank
DB Servicing Corporation
PO Box 3025
New Albany OH 43054-3025

Discover Card
P.O. Box 30943
Salt Lake City, UT 84130

Discover Card
P.O. Box 15251
Wilmington, DE 19886-5251

Discover Card
P.O. Box 29033
Phoenix, AZ 85038-9033

Discover Financial Services
Attn: Bankruptcy Department
P.O. Box 3025
New Albany, OH 43054

Diversified Adjustment Service
600 Coon Rapid Blvd
Coon Rapids, MN 55433

Diversified Adjustment Service
P.O. Box 32145
Fridley, MN 55432

eCAST Settlement Corporation, assignee
of Chase Bank USA, N.A.
POB 29262
New York, NY 10087-9262

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of Chase Bank USA, N.A.
POB 29262
New York, NY 10087-9262

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Gary Howard
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GE Capital Retail Bank
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Roswell, GA 30076

GE Capital Retail Bank
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GE Capital Retail Bank

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Atlanta, GA 30353-0912

GE Capital Retail Bank
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Miami FL 33131-1605

GE Money Bank
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Carol Stream, IL 60197

HSBC/Yamaha
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IC Systems Inc
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Columbus, OH 43218-3084

Macy's Bankruptcy Dept
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Mason, OH 45040

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Mammoth Lakes, CA 93546-0100

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Phillips 66-Conoco 76
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Des Moines, IA 50368

Pinnacle Financial Group
7825 Washington Ave S #310
Minneapolis, MN 55439-2409

Progressive Insurance
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Philadelphia, PA 19170

Progressive Insurance Co.
P.O. Box 31686
Tampa, FL 33631-3636

PYOD, LLC its successors and assigns as assignee
of Citibank, N.A.
Resurgent Capital Services
PO Box 19008
Greenville, SC 29602

Pyramid Pipe & Supply Co
7423 Deering Avenue
Canoga Park, CA 91303

Quantum3 Group LLC as agent for
Comenity Bank
PO Box 788
Kirkland, WA 98083-0788

RUSSELL WARNER ROTO ROOTER
COMMERCIAL TRADE INC
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POB 10389
BAKERSFIELD CA 93389

Russell Warner Roto Rooter
5330 Office Center
Bakersfield, CA 93309

Schwartz & Jansen LLP
12100 Wilshire Blvd #1125
Los Angeles, CA 90025-7117

Southern Mono Healthcare Dist
P.O. Box 100
PMB 700
Mammoth Lakes, CA 93546-0100

SST
P.O. Box 801997
Kansas City, MO 64180-3160

Super Media LLC
P.O. Box 619810
DFW Airport, TX 75261-9810

Systems & Services Technologies Inc
4315 Pickett Road
St Joseph, MO 64503

Systems & Services Technologies, Inc.
9441 LBJ Freeway, Suite 350
Dallas, TX 75243

Target
Retailer's National Bank
P.O. Box 59231
Minneapolis, MN 55459-0231

Target Financial Retail Svcs
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Minneapolis, MN 55440

Target National Bank
P.O. Box 660170
Dallas, TX 75266

Target National Bank
c/o Target Credit Services
P.O. Box 1581
Minneapolis, MN 55440-1581

United Recovery Systems
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Houston, TX 77272-2929

United Recovery Systems
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Houston, TX 77272-2929

Verizon California
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Mission Hills, CA 91346-9688

Verizon Directories Corp
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DFW Airport, TX 75261-9009

Verizon Wireless
10734 International
Rancho Cordova, CA 95670-7359

Victor Valley Hospital
P.O. Box 1259
Oaks, PA 19456

Victor Valley Patient Payments
P.O. Box 1020
Southeastern, PA 19398-1020

Wells Fargo Card Services
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Los Angeles, CA 90030-0086

Wells Fargo
Business Direct Operations
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Sacramento, CA 95834

Wells Fargo
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Boise, ID 83707-1648

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P.O. Box 53476
Phoenix, AZ 85072

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Phoenix, AZ 85003

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Sacramento, CA 95834

Wells Fargo Business Direct
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