

☐ Individual appearing without attorney  
☒ Attorney for: Diane C. Weil, Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA - SAN FERNANDO VALLEY DIVISION**

Debtor(s).

**Location:** Courtroom 301, U.S. Bankruptcy Court, 21041 Burbank Boulevard, Woodland Hills, California 91367

**Last date to file objections: 02/19/2015**

All right, title and interest of both the estate and co-owner Janice Romersa in residential real property located at 22101 Cairnloch Street, Calabasas, California, Los Angeles County Assessor's parcel Number 2080-025-043.

SEE THE ATTACHED NOTICE

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):**

SEE THE ATTACHED NOTICE.

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

March 5, 2015  
2:00 p.m.  
United States Bankruptcy Court  
Courtroom 301  
21041 Burbank Boulevard  
Woodland Hills, California 91367

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

Bill Friedman  
Coldwell Banker  
8840 S. Sepulveda Blvd., Los Angeles, CA 90045  
(424) 702-3000 / billfried@earthlink.net  
or  
Lisa Saver  
Sotheby's International Realty  
23405 Pacific Coast Highway, Malibu, CA 90265  
(310) 465-6431 / lisasaver@aol.com

Date: 02/11/2015

JOHN N. TEDFORD IV (State Bar No. 205537)  
*jtedford@dgdk.com*  
ZEV SHECHTMAN (State Bar No. 266280)  
*zshechtman@dgdk.com*  
DANNING, GILL, DIAMOND & KOLLITZ, LLP  
1900 Avenue of the Stars, 11<sup>th</sup> Floor  
Los Angeles, California 90067-4402  
Telephone: (310) 277-0077  
Facsimile: (310) 277-5735

Attorneys for Diane C. Weil, Chapter 7 Trustee

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

In re  
MICHAEL DENNIS ROMERSA,  
Debtor.

Case No. 1:14-bk-11917-VK

Chapter 7

**NOTICE OF CHAPTER 7 TRUSTEE'S  
MOTION FOR (1) APPROVAL OF SALE  
OF REAL PROPERTY FREE AND  
CLEAR OF LIENS, (2) APPROVAL OF  
PROPOSED OVERBID PROCEDURES,  
(3) AUTHORITY TO PAY REAL ESTATE  
BROKERS' COMMISSIONS AND  
OTHER PAYMENTS THROUGH  
ESCROW, AND (4) A FINDING THAT  
THE BUYERS ARE GOOD FAITH  
PURCHASERS UNDER 11 U.S.C. § 363(m)**

Date: March 5, 2015  
Time: 2:00 p.m.  
Place: Courtroom "301"  
21041 Burbank Boulevard  
Woodland Hills, California

**PLEASE TAKE NOTICE** that on March 5, 2015, at 2:00 p.m., or as soon thereafter as the matter may be heard, in Courtroom "301" of the United States Bankruptcy Court for the Central District of California, San Fernando Valley Division, located at 21041 Burbank Boulevard, Woodland Hills, California, Diane C. Weil, chapter 7 trustee (the "Trustee") for the estate of Michael Dennis Romersa (the "Debtor"), will move for an order:

(1) authorizing the Trustee to sell all right, title and interest in and to real property located at 22101 Cairnloch Street, Calabasas, California (the "Property"), free and clear of any and all liens pursuant to 11 U.S.C. § 363(b), (f) and (h);

(2) approving the proposed overbid procedures described in the Memorandum of Points and Authorities accompanying the Trustee's motion which is being filed concurrently herewith (the "Overbid Procedures");

(3) authorizing the Trustee to pay, through escrow, (a) brokerage commissions, (b) ordinary and customary costs of sale (including title and escrow fees), (c) homeowners association fees and charges, (d) real property taxes, (e) undisputed amounts owed to lienholders, (f) Janice Romersa (the Debtor's non-debtor spouse) on account of her alleged interest in the Property, and (g) the Debtor on account of his homestead exemption; and

(4) determining that the buyers and back-up bidder(s) (if any) are good faith purchasers within the meaning of 11 U.S.C. § 363(m).

The following disclosures are made pursuant to LBR 6004-1(c)(3):

**Date, time and place of the hearing on the proposed sale.** The hearing on the motion, and the sale, will take place on March 5, 2015, at 2:00 p.m., in Courtroom 301 of the United States Bankruptcy Court located at 21041 Burbank Blvd., Woodland Hills, California.

**Name and address of the proposed buyer.** Brett C. Vaughan and Jessica W. Vaughan (collectively the "Buyers"). The Buyers' current address is unknown.

**A description of the property to be sold.** All right, title and interest of both the estate and co-owner Janice Romersa in residential real property located at 22101 Cairnloch Street, Calabasas, California, Los Angeles County Assessor's Parcel Number 2080-025-043.

**Terms and conditions of the proposed sale, including the price and all contingencies.**

Subject to overbids, the sale price will be \$1,306,000. The sale will be on an "as is," "where is" and "with all faults" basis, with no warranties or recourse whatsoever. All terms and conditions of the proposed sale are set forth in the "Counter-Offer" and related documents that are attached as Exhibit "1" to the Declaration of Diane C. Weil appended to the motion (collectively the "Sale

Agreement"). All of the Buyers' contingencies under the Sale Agreement have been satisfied or waived.

**Whether the proposed sale is free and clear of liens, claims or interests, or subject to them, and a description of all such liens, claims or interests.** The proposed sale is free and clear of any and all liens, except certain liens securing real property taxes to be assessed post-closing by the County of Los Angeles (the "County"). Known liens, and the Trustee's proposed treatment of such liens, are as follows:

1. Liens securing real property taxes assessed prior to 2014, and penalties that accrued as a result of late or missed payments thereof. The sale will be free and clear of such liens, with the liens to be removed from the Property and attach to the net sales proceeds with the same force, validity, priority and effect that the liens currently have against the Property. The Trustee intends to pay these taxes and related penalties in full through escrow.

2. A lien securing real property taxes assessed or to be assessed for the County's 2014-2015 fiscal year, and penalties that accrued as a result of late or missed payments thereof. To the extent this lien secures real property taxes assessed prior to closing (and related non-payment penalties), the sale will be free and clear of such lien, with the lien to be removed from the Property and attach to the net sales proceeds with the same force, validity, priority and effect that the lien currently has against the Property. The Trustee intends to pay these taxes and related penalties in full through escrow. However, to the extent that the lien secures real property taxes to be assessed by the County *after* closing, the sale will be subject to the lien.

3. A lien securing real property taxes that will be assessed in the future for the County's 2015-2016 fiscal year. The sale will be subject to this lien.

4. A deed of trust originally recorded on January 24, 2011, in favor of Bank of America, N.A., document no. 2011-124826. Nationstar Mortgage LLC dba Champion Mortgage Company ("Champion") is the current beneficiary under the deed of trust. The sale will be free and clear of this lien, with the lien to be removed from the Property and attach to the net sales proceeds with the same force, validity, priority and effect that the lien currently has against the Property. The Trustee intends to pay undisputed amounts owed to Champion through escrow.

1           5.     A deed of trust originally recorded on January 24, 2011, in favor of the  
2 Secretary of Housing and Urban Development (“HUD”), document no. 2011-124827. The sale  
3 will be free and clear of this lien. The Trustee does not intend to pay any amounts to HUD with  
4 regard to this lien because, to the best of the Trustee’s knowledge, nothing is owed.

5           6.     A judgment lien recorded on May 22, 2012, in favor of Rosen Saba, LLP  
6 (“Rosen Saba”), document no. 2012-761213, securing a judgment against the Debtor and a non-  
7 debtor party in the amount of \$110,000. The sale will be free and clear of this lien, with the lien to  
8 be removed from the Property and attach to the net sales proceeds with the same force, validity,  
9 priority and effect that the lien currently has against the Property. The Trustee intends to pay  
10 Rosen Saba, through escrow, pursuant to the terms of a settlement previously approved by the  
11 Court.

12           7.     An assessment lien recorded by the Mulholland Heights Homeowners  
13 Association (the “HOA”) in October 2013, document no. 2013-1516355. The sale will be free and  
14 clear of this lien. The Trustee does not intend to pay any amounts with regard to this lien because,  
15 according to a statement submitted by the HOA to escrow, nothing was owed to the HOA as  
16 recently as June 11, 2014.

17           **Whether the proposed sale is subject to higher and better bids.** The proposed sale is  
18 subject to overbids, and by way of the motion the Trustee is requesting that the Court approve the  
19 Overbid Procedures, summarized as follows:

- 20           1.     Minimum overbid: \$1,315,000 (\$9,000 above the Buyers’ current offer).
- 21           2.     Overbidding increments: \$2,500.00.
- 22           3.     Initial overbid deposit: \$40,000.00.
- 23           4.     Qualification for overbidding: By no later than 5:00 pm on March 3, 2015,  
24 any party wishing to overbid at the hearing must deliver (a) a cashier’s check payable to “Diane C.  
25 Weil, Trustee” in the amount of \$40,000, and (b) a written, executed overbid in the form attached  
26 as Exhibit “2” to the Trustee’s declaration, to the Trustee at the Law Offices of Diane C. Weil,  
27 16000 Ventura Blvd., Suite 1000, Encino, California 91436. In her sole discretion, the Trustee  
28 may waive the deadline. In any event, no party will be allowed to overbid absent delivery of

(a) the initial overbid deposit and (b) the written, executed overbid prior to the commencement of the auction.

5. Back-up bidders: Any qualified overbidder who is not the successful overbidder may opt to be a back-up bidder, in which case such back-up bidder's Initial Deposit will be retained by the Trustee until the sale closes.

**The consideration to be received by the estate, including estimated commissions, fees, and other costs of sale.** If there are no overbids, the Trustee estimates that the estate will receive approximately \$88,000 of free and clear funds from her proposed sale of the Property. Real estate brokerage commissions will be equal to 5% of the gross sales price (\$65,300 on a \$1,306,000 sale). The estimated net sales proceeds to be received by the estate are calculated as follows:

Sale price .....\$1,306,000.00

Less:

Brokerage commissions (5.0%).....	65,300.00
Other costs of sale (2.0% est.) .....	26,120.00
Real property taxes (pre-2014) .....	13,995.27
Real property taxes (2014-2015) .....	8,574.91
Champion Mortgage .....	464,183.57
Homeowners Association .....	1,344.00
<b>Subtotal</b>	<b>\$726,482.25</b>

Less:

Janice Romersa (per settlement).....	354,666.21
Michael Romersa (homestead exemption) .....	175,000.00
<b>Subtotal</b>	<b>\$196,816.04</b>

Less:

Rosen Saba (tier one).....	100,000.00
Rosen Saba (tier two).....	8,658.02

**Balance to the estate .....\$88,158.02**

**If Authorization is Sought to Pay a Commission, the Identity of the Auctioneer, Broker, or Sales Agent and the Amount or Percentage of the Proposed Commission to be Paid.** Pursuant to the Court's order entered on December 11, 2014, the Trustee employed Coldwell Banker and Sotheby's International as her real estate brokers. Pursuant to the Court-approved listing agreement, the aggregate commission to be paid by the Trustee is an amount equal to 5.0% of the gross sales price. If there are no overbids, the Trustee proposes to pay the following amounts through escrow:

Coldwell Banker (1.25%).....	\$16,325.00
Sotheby's International (1.25%).....	16,325.00
Buyers' broker: JAA Group, LP (2.50%).....	<u>32,650.00</u>
<b>Total</b>	<b>\$65,300.00</b>

A description of the estimated or possible tax consequences to the estate, if known, and how any tax liability generated by the sale of the property will be paid. Tax consequences to the estate, if any, are unknown.

The date by which an objection must be filed and served. February 19, 2015.

The Trustee's motion is based upon this separate notice, the motion and Memorandum of Points and Authorities, Declaration of Diane C. Weil and Request for Judicial Notice appended to the motion, the papers and pleadings on file in this case, and such further evidence as may be submitted at or prior to the time of the hearing on the motion.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule 9013-1(f), any party seeking to object to the relief sought must, not later than 14 days before the hearing date, file a written opposition with the Clerk of the Court and serve copies of the opposition upon the Trustee's counsel and upon the Office of the United States Trustee, 915 Wilshire Boulevard, Suite 1850, Los Angeles, California 91007. Failure to file and serve oppositions as set forth above may be deemed consent to the relief sought in the motion. If you do not have any objection to the motion, you need not take any further action.

DATED: February 10, 2015

DANNING, GILL, DIAMOND & KOLLITZ, LLP

By:

  
JOHN N. TEDFORD, IV

Attorneys for Diane C. Weil, Chapter 7 Trustee



## 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 1900 Avenue of the Stars, 11th Floor, Los Angeles, CA 90067-4402.

A true and correct copy of the foregoing document entitled (*specify*): 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 February 11, 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:

☒ Service information continued on attached page.

**2. SERVED BY UNITED STATES MAIL:** On February 11, 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 February 11, 2015, 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.

Via Personal Delivery (Alissi) – to be delivered 2/12/15.  
The Honorable Victoria S. Kaufman  
U.S. Bankruptcy Court  
Bin on 1st Floor outside entry to Clerk's Office  
21041 Burbank Blvd.  
Woodland Hills, CA 91367-6606

☐ 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.

February 11, 2015

*Date*

Patricia Morris

*Printed Name*

/s/Patricia Morris

*Signature*

**ADDITIONAL SERVICE INFORMATION (if needed):**

**1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

David E Ahdoot on behalf of Interested Party Interested Party  
dahdoot@bushgottlieb.com, rsanthon@bushgottlieb.com

Bradley E Brook on behalf of Interested Party Interested Party  
bbrook@bbrooklaw.com,  
paulo@bbrooklaw.com;brookecfmail@gmail.com

Bryan S Fairman on behalf of Interested Party Courtesy NEF  
ecfcacb@piteduncan.com, BSF@ecf.inforruptcy.com

Arnold L Graff on behalf of Creditor Champion Mortgage  
Company  
ecfcacb@piteduncan.com

James Hogan on behalf of Creditor AmeriCredit Financial  
Services, Inc. dba GM Financial  
customer.service.bk@americredit.com

James Hogan on behalf of Interested Party AmeriCredit  
Financial Services, Inc. dba GM Financial  
customer.service.bk@americredit.com

David M Reeder on behalf of Debtor Michael Dennis Romersa  
david@reederlaw.com, jessica@reederlaw.com

Zev Shechtman on behalf of Creditor Rosen Saba LLP  
zshechtman@dgd.com,  
danninggill@gmail.com;zshechtman@ecf.inforruptcy.com

Zev Shechtman on behalf of Interested Party Interested Party  
zshechtman@dgd.com,  
danninggill@gmail.com;zshechtman@ecf.inforruptcy.com

John N Tedford on behalf of Interested Party Interested Party  
jtedford@dgd.com,  
DanningGill@gmail.com;jtedford@ecf.inforruptcy.com

United States Trustee (SV)  
ustpreion16.wh.ecf@usdoj.gov

Diane Weil (TR)  
dcw@dcweillaw.com, dweil@ecf.epiqsystems.com

Jason Wojciechowski on behalf of Interested Party Interested  
Party  
jasonw@bushgottlieb.com