

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address SMILEY WANG-EKVALL, LLP Robert S. Marticello, State Bar No. 244256 rmarticello@swelawfirm.com Michael L. Simon, State Bar No. 300822 msimon@swelawfirm.com 3200 Park Center Drive, Suite 250 Costa Mesa, California 92626 Telephone: 714 445-1000 Facsimile: 714 445-1002 <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Howard Grobstein, Plan Trustee	FOR COURT USE ONLY
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION**

In re: CATHERINE TRINH, Debtor(s).	CASE NO.: 2:18-bk-11475-RK CHAPTER: 11 <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>
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Sale Date: 10/19/2021	Time: 2:30 pm
Location: Courtroom 1675, 255 E. Temple Street, Los Angeles, CA 90012 (via Zoom for Government)	

Type of Sale: Public Private **Last date to file objections:** 10/05/2021

Description of property to be sold:
The real property located at 325 W. Las Flores Ave., Arcadia, CA 91007.

Terms and conditions of sale:
 Condition of Property: Property purchase is on an "as-is" and "where is" basis without any representations or warranties of any kind.
 Broker's Commissions: Six percent (6%).

Proposed sale price: \$ 3,680,000.00

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 Proposed Overbid Procedures attached hereto as Exhibit 1.

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

Hearing (via Zoom for Government)

DATE: October 19, 2021

TIME: 2:30 p.m.

CTRM: 1675

Edward R. Roybal Federal

Building and Courthouse

255 E. Temple Street

Los Angeles, CA 90012

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

Darren Hubert

Avenue 8

2658 Griffith Park Blvd. #237

Silver Lake, CA 90039

(323) 898-2991

darren@urbanhillsides.com

Date: 09/21/2021

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:
3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626

A true and correct copy of the foregoing document entitled: **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 *(date)* 9/21/2021, 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)* 9/21/2021, 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.

Honorable Robert N. Kwan
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1682 / Courtroom 1675
Los Angeles, CA 90012

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.

9/21/2021
Date

Lynnette Garrett
Printed Name

/s/ Lynnette Garrett
Signature

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- Eric Bensamochan eric@eblawfirm.us, G63723@notify.cincompass.com
- Ryan Coy ecf@bg.law, rcoy@bg.law
- Oscar Estrada oestrada@ttc.lacounty.gov
- Alan W Forsley alan.forsley@flpllp.com, awf@fkllawfirm.com, awf@fl-lawyers.net, addy.flores@flpllp.com
- Steven R Fox emails@foxlaw.com, fox.stevenr.r101558@notify.bestcase.com
- Steven T Gubner sgubner@bg.law, ecf@bg.law
- Stella A Havkin stella@havkinandshrago.com, havkinlaw@earthlink.net; r49306@notify.bestcase.com
- D Edward Hays ehays@marshackhays.com,
ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.court
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- Philip Kaufler philip@kauflerlaw.com
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lgarrett@swelawfirm.com; gcruz@swelawfirm.com; jchung@swelawfirm.com
- Robyn B Sokol rsokol@leehtishman.com, rsokol@leehtishman.com; lmoya@leehtishman.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
- David Wood dwood@marshackhays.com,
dwood@ecf.courtdrive.com; lbuchananmh@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- Hatty K Yip hatty.yip@usdoj.gov, hatty.k.yip@usdoj.gov
- Roye Zur rzur@elkinskalt.com, cavila@elkinskalt.com; myuen@elkinskalt.com

EXHIBIT "1"

PROPOSED OVERBID PROCEDURES

The Property will be sold subject to overbid at an open auction ("Auction") to be conducted by the Plan Trustee, before the Court, at the time that this Motion is heard. The Plan Trustee has established the following overbid procedures, which shall govern any bidding:

1. **The Bid Deadline.** The Bid Deadline is **5:00 p.m. (P.S.T.) on October 17, 2021 [48 hours prior to the Auction]**. A Qualified Bidder that desires to make a bid must deliver a Qualified Bid to the Plan Trustee's Broker, Darren Hubert (darren@urbanhillsides.com), so that it is received by the Bid Deadline.

2. **Due Diligence.** Any due diligence must be completed by the Bid Deadline. Any person seeking due diligence or wishing to view the Property shall contact Darren Hubert at darren@urbanhillsides.com or (323) 898-2991. The Plan Trustee may withhold due diligence if the Potential Bidder does not become, or the Plan Trustee determines, in his discretion, that the Potential Bidder is not likely to become, a Qualified Bidder.

3. **Qualified Bidder.** Only "Qualified Bidders" may bid on the Property. To become a Qualified Bidder, any person or entity who wishes to bid on the Property (each such person or entity, a "Potential Bidder") must, by the Bid Deadline, deliver to Plan Trustee's counsel written proof satisfactory to the Plan Trustee that the Potential Bidder is financially capable of consummating the proposed sale, including financial statements, copies of recent statements of bank accounts, evidence of certified funds, a commitment for financing, and/or such other financial information as may be requested by the Plan Trustee to allow the Plan Trustee to make a reasonable determination, in his sole and absolute discretion. In addition, to become a Qualified Bidder, any Potential Bidder must, by the Bid Deadline, disclose in writing to the Plan Trustee, and provide any information requested by the Plan Trustee regarding, any and all connections to the Debtor, Voong, any of their relatives, and any entity in which the Debtor, Voong, or their relatives hold an interest. Qualified Bidder status shall be determined by the Plan Trustee, in his sole discretion, and no Potential Bidder shall have standing to challenge

the Plan Trustee's determinations or the results of the Auction.

4. **Qualified Bid.** Bids by Qualified Bidders for the purchase of the Property must be submitted by the Bid Deadline as specified below and must meet the following requirements:

- (a) A bid must be in writing in the form of an executed California Residential Purchase Agreement and Joint Escrow Instructions (C.A.R. Form RPA-CA).
- (b) A bid must exceed the Purchase Price by at least **\$75,000** and otherwise be on terms, in the Plan Trustee's business judgment, no less favorable than the Agreement.
- (c) A bid must contemplate purchasing the Property "as is," "where is," and "with all faults."
- (d) A bid must be irrevocable and unconditional, subject to only Bankruptcy Court approval.
- (e) A bid must propose a closing date no later than the date that is thirty (30) days after entry of an order by the Bankruptcy Court approving the sale.
- (f) A bid must be accompanied by a deposit in the amount of three percent (3%) of the bid, made by wire transfer, certified funds, or cashier's check payable to the Plan Trustee, which deposit is refundable only if the Qualified Bidder is not deemed the Winning Bidder (as defined below) or if the Qualified Bidder is deemed the Winning Bidder but the sale is not consummated because the Bankruptcy Court does not approve the sale to such Qualified Bidder.
- (g) The bid must not request or entitle the Qualified Bidder to any break-up fee, topping fee, termination fee, broker's fee, expense reimbursement, or similar type of payment.
- (h) The bid must be irrevocable until the completion of the Auction and, if such Qualified Bidder is the Winning Bidder, then the bid must be irrevocable until the closing of the sale. By submitting a bid, the Qualified Bidder agrees to serve as a Back-up Bidder if such bidder's Qualified Bid is selected by the Plan Trustee as

the next highest or otherwise next best bid after the Winning Bid (as defined below) (the "Back-up Bid," and the Qualified Bidder making the Back-up Bid, the "Back-up Bidder").

A bid received from a Qualified Bidder that meets all of the above requirements will be deemed a "Qualified Bid," except as otherwise provided below.

5. **Auction.** If no Qualified Bid is received by the Plan Trustee by the Bid Deadline, then the Plan Trustee will request that the Court approve the sale of the Property to the Buyer and there will be no Auction. If a Qualified Bid is timely received by the Plan Trustee, then the Plan Trustee will hold the Auction. The Auction of the Property will take place virtually via Zoom at **2:30 p.m. (P.S.T.) on October 19, 2021**, or such different time or other place as may be determined by the Plan Trustee in his sole discretion. Any change in the time or place of the Auction shall be promptly provided in writing to all Qualified Bidders who have submitted Qualified Bids. The Auction shall be governed by the following procedures:

- (a) Only Qualified Bidders who submitted a Qualified Bid are eligible to attend and bid at the Auction;
- (b) Any person attending and wishing to bid at the Auction on behalf of a Qualified Bidder must certify in writing that he or she has the authority to bind the Qualified Bidder by any bid that is submitted and by the outcome of the Auction;
- (c) Only Qualified Bidders who submitted a Qualified Bid may submit new bids at the Auction;
- (d) The Auction will be held virtually via Zoom, with access information provided by the Plan Trustee prior to the Auction; and
- (e) The Auction will be conducted openly and with all competing bids submitted in the virtual presence of other bidders; provided, however, that the Plan Trustee reserves the right, in his discretion, to place bidders in separate breakout rooms

and to permit competing bids to be submitted in such rooms and not in the presence of other bidders.

6. **Overbids.** Qualified Bidders present at the Auction will be entitled to submit overbids. The starting bid at the Auction shall be the Qualified Bid designated by the Plan Trustee, in his sole and absolute discretion, as the highest and best bid for the Property received by the Bid Deadline (the "Initial Successful Bid.") The Qualified Bidder who submitted the Initial Successful Bid (the "Initial Successful Bidder") will be entitled and required to purchase the Property upon the terms set forth in the agreement executed by such Qualified Bidder, unless the Initial Successful Bid is not the Winning Bid (as defined below). The Auction shall be governed by the following overbid procedures:

- (a) The initial overbid at the Auction must be at least \$5,000 more than the Initial Successful Bid;
- (b) Subsequent overbids must be in minimum increments of \$5,000;
- (c) The Auction shall continue until the Plan Trustee determines, in his sole discretion, which bid is the highest and best bid for the Property (the "Winning Bid"), subject to final Bankruptcy Court approval. In making his decision, the Plan Trustee shall consider, without limitation, the amount of the purchase price, the form of consideration being offered, the likelihood of the bidder's ability to close the transaction and perform thereunder, and the timing thereof. No bidder, including the Buyer, the Initial Successful Bidder, and any Qualified Bidder, shall have standing to challenge the Plan Trustee's determination of the Winning Bid. The Qualified Bidder submitting such Winning Bid shall be the "Winning Bidder," and shall have such rights and responsibilities of the purchaser, as set forth in the purchase agreement executed by such bidder at the amount of the Winning Bid;
- (d) The Plan Trustee may, in his sole discretion and subject to Bankruptcy Court approval, designate one or more Back-Up Bids, which shall become the Winning

Bid if the Winning Bidder fails to consummate the sale;

- (e) The Winning Bid and any Back-Up Bid(s) are irrevocable; and
- (f) The Winning Bid and the Back-Up Bid(s) shall be subject to Bankruptcy Court approval.

7. **Disqualification.** Any entity or person that the Plan Trustee determines fails to submit a timely, conforming bid shall be disqualified from bidding for the Property. The Plan Trustee reserves the right to disqualify any Potential Bidder or Qualified Bidder, including, without limitation, the Debtor, Voong, or any party related thereto, who does not cooperate in the sale, marketing or overbid process or who takes any act that the Plan Trustee determines negatively impacted the sale, marketing or overbid process, the value of the Property, or the purchase price received for the Property. Such disqualifying conduct shall include a failure of the Debtor, Voong, or any party related thereto to allow showings or inspections of the Property upon 48 hours' notice by the Plan Trustee or an agent of the Plan Trustee. Disqualification of Potential or Qualified Bidders is left to the Plan Trustee's sole discretion.