

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>James A. Dumas (SBN 76284) Christian T. Kim (SBN 231017) Ann S. Chang (SBN 281116) DUMAS & KIM, APC 915 Wilshire Boulevard, Suite 1775 Los Angeles, California 90017 Phone: (213) 368-5000 Fax: (213) 368-5009 jdumas@dumas-law.com ckim@dumas-law.com achang@dumas-law.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Carolyn A. Dye, Chapter 7 Trustee</p>	<p>FOR COURT USE ONLY</p>
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<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</p>	
<p>In re:</p> <p>CATHY L. MONTENEGRO,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 2:20-bk-18390-VZ CHAPTER: 7</p> <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>

<p>Sale Date: 06/29/2021</p>	<p>Time: 11:00 am</p>
<p>Location: 255 E. Temple Street, Courtroom 1368, Los Angeles, CA 90012</p>	

Type of Sale: Public Private **Last date to file objections:** 06/15/2021

Description of property to be sold:
 1755 Hickory Avenue, Torrance, California 90503-7219 (APN: 7359-021-038)

Terms and conditions of sale:
 The terms and conditions of the sale are set forth in the notice attached hereto as Exhibit "A"

Proposed sale price: \$ 810,000.00

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):

The overbid procedure is described in the notice attached hereto as Exhibit "A"

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

June 29, 2021

11:00 a.m.

255 E. Temple Street, Courtroom 1368, Los Angeles, CA 90012

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

Christian T. Kim (SBN 231017)
DUMAS & KIM, APC
915 Wilshire Boulevard, Suite 1775
Los Angeles, California 90017
Phone: (213) 368-5000
Fax: (213) 368-5009
ckim@dumas-law.com

Date: 06/08/2021

1 James A. Dumas (SBN 76284)
Christian T. Kim (SBN 231017)
2 Ann S. Chang (SBN 281116)
DUMAS & KIM, APC
3 915 Wilshire Boulevard, Suite 1775
Los Angeles, California 90017
4 Phone: 213-368-5000
Fax: 213-368-5009

5
6 Attorneys for Chapter 7 Trustee,
Carolyn A. Dye

7
8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **LOS ANGELES DIVISION**

11
12 In re:
13 CATHY L. MONTENEGRO,
14 Debtor.

Case No.: 2:20-bk-18390-VZ

Chapter 7

[Honorable Vincent P. Zurzolo]

15
16 **NOTICE OF TRUSTEE'S MOTION FOR**
17 **ORDER AUTHORIZING SALE OF REAL**
18 **PROPERTY OF THE ESTATE [1755**
19 **Hickory Avenue, Torrance, CA 90503-7219]**
20 **FREE AND CLEAR OF LIENS AND**
21 **INTERESTS, SUBJECT TO HIGHER**
22 **AND BETTER OFFERS, AND**
23 **APPROVING OVERBIDDING**
24 **PROCEDURES**

Date: June 29, 2021

Time: 11:00 a.m.

Place: 255 E. Temple Street

Courtroom 1368

Los Angeles, CA 90012

25
26 **TO THE HONORABLE VINCENT P. ZURZOLO, UNITED STATES BANKRUPTCY**
27 **JUDGE, THE DEBTOR, AND OTHER INTERESTED PARTIES:**
28

**NOTICE OF TRUSTEE'S MOTION FOR ORDER AUTHORIZING SALE OF REAL PROPERTY OF THE ESTATE [1755
Hickory Avenue, Torrance, CA 90503-7219] FREE AND CLEAR OF LIENS AND INTERESTS, SUBJECT TO HIGHER AND
BETTER OFFERS, AND APPROVING OVERBIDDING PROCEDURES**

EXHIBIT "A"

1 **PLEASE TAKE NOTICE** that on June 29, 2021, at 11:00 a.m., a hearing will be held in
2 Courtroom 1368 before the Honorable Vincent P. Zurzolo, United States Bankruptcy Judge, in the
3 United States Bankruptcy Court located at 255 E. Temple Street, Los Angeles, California to consider
4 the motion of the Chapter 7 Trustee herein, Carolyn A. Dye (“Trustee”), for an order authorizing the
5 sale of the real property located at 1755 Hickory Avenue, Torrance, California 90503-7219 (APN:
6 7359-021-038) (“Property”) free and clear of liens and interests, and subject to higher and better
7 offers, approving overbidding procedures. The Motion is based on the following:

8 Trustee proposes to sell the Property to Journey Investments, Inc. and/or assignee
9 (collectively the “Buyer”) for a total consideration of Eight Hundred Ten Thousand Dollars
10 (\$810,000). The estate will pay sales commissions (6%) and the usual closing costs (estimated at
11 2%). Buyer has paid a total of Twenty-Five Thousand Dollars (\$25,000) as a deposit into escrow.
12 Escrow is scheduled to close within fourteen (14) days of the date on which the order approving the
13 sale of the Property is entered on the Court's docket. The sale is on an "as is - where is" basis.

14 The overbid procedures are as follows:

15 a. Minimum Overbids. The minimum overbid for the Property shall be \$5,000 above the
16 present offer and any subsequent overbids shall be at least \$5,000 over the preceding offer.

17 b. Minimum Deposits. A minimum deposit of Thirty Thousand Dollars (\$30,000),
18 which is inclusive of the down payment of Twenty-Five Thousand Dollars (\$25,000) and the initial
19 overbid of Five Thousand Dollars (\$5,000). The overbid payment shall be by cashier's check payable
20 to “Carolyn A. Dye ATF Cathy Montenegro,” and must accompany any overbid offer for the
21 Property with evidence of the ability to close the transaction. In the event the approved Buyer does
22 not close the transaction, the deposit will be non-refundable if the overbid is accepted and the sale
23 does not close within fourteen (14) days of the date on which the Order approving the sale of the
24 Property is entered by the Court.

25 c. Overbidders are requested to submit to the Trustee, not later than forty-eight (48)
26 hours before the hearing date, a cashier’s check for the required deposit and evidence of the ability to
27 close. The Trustee will promptly advise any proposed overbidder of any disapproval of
28 qualifications, giving the overbidder an opportunity to correct the deficiency. The Trustee holds sole

1 discretion in accepting and rejecting all overbids. In any event, the proponent of each overbid must
2 submit, not later than one hour prior to the date and time of the hearing on the sale, a cashier's check
3 for Thirty Thousand Dollars (\$30,000) and evidence of the financial ability to close escrow within
4 fourteen (14) days of submission of overbid. This evidence must at a minimum include a
5 demonstration of firm financing commitment from a recognized lender and/or sufficient liquid funds
6 on deposit, all to the satisfaction of the Trustee.

7 d. All overbids for the Property must provide for payment of the entire purchase price at
8 the close of escrow.

9 e. Any overbids shall offer to purchase the Property on a "as-is - where is" basis and
10 shall contain no conditions, contingencies or addendum in addition to those contained in the terms
11 agreed to between Trustee and Buyer and presented to this Court.

12 f. All due diligence investigations shall be conducted prior to the sale hearing.

13 g. At the conclusion of the hearing on the Motion, the Court shall determine the highest
14 and best offer for the Property, and the Trustee shall proceed to consummate the sale of the Property
15 in accordance with such offer to the highest bidder without further notice to creditors or hearing
16 before this Court.

17 h. The overbidder's deposit is non-refundable in the event that Court confirms the sale
18 but, for any reason whatsoever, the overbidder fails to close the sale timely. The overbidding party
19 will be bound by all of the terms of sale proposed in this Motion (as incorporated by reference in the
20 sales contract) except as to price, without contingencies of any kind, including financing
21 contingencies, and shall close the escrow no more than fourteen (14) days after the entry of the order
22 approving the Motion.

23 i. The Trustee also proposes that the Court confirm a backup buyer so that, in the event
24 that the successful overbidder does not close within fourteen (14) days after the entry of the order
25 approving the Motion, the Trustee may retain the deposit of the original successful buyer as
26 liquidated damages and sell the Property to the back-up buyer for the amount of such backup last bid.

27 j. The Trustee also seeks a ruling that the party to whom the Court confirms the sale and
28 any backup buyers are good faith purchasers for purposes of 11 U.S.C. §363(m).

1 You may request a complete copy of this Motion from

2 Christian T. Kim
3 DUMAS & KIM, APC
4 915 Wilshire Blvd., Ste. 1775
5 Los Angeles, CA 90017
6 (213) 368-5000
7 ckim@dumas-law.com

8 A complete copy of the Motion is also on file with the Clerk of the Court and may be viewed
9 at the United States Bankruptcy Court, 255 E. Temple Street, Room 940, Los Angeles, CA 90012.

10 **PLEASE TAKE FURTHER NOTICE** that any objection to the Motion or the proposed sale
11 must be made in writing and filed with the Court no later than fourteen (14) days prior to the hearing
12 in conformity with Local Bankruptcy Rule 9013-1(f), and consist of a written statement of all reasons
13 in opposition, an answering Memorandum of Points and Authorities, declarations, and documentary
14 evidence on which the responding party intends to rely.

15 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule 9013(h), any
16 objection not timely filed and served may be deemed by the Court to be consent to the relief
17 requested and may result in the Court's issuance of an order without further notice or hearing.

18 Dated: June 8, 2021

DUMAS & KIM, APC

19
20 By: 

21 Christian T. Kim, Attorneys for Chapter 7
22 Trustee, Carolyn A. Dye

23 Date of Mailed Service: June 8, 2021
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25
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In re: CATHY L. MONTENEGRO	CHAPTER: 7
Debtor(s)	CASE NUMBER: 2:20-bk-18390-VZ

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: 915 Wilshire Blvd., Ste. 1775, Los Angeles, CA 90017.

A true and correct copy of the foregoing document entitled (*specify*): Notice of Trustee's Motion for Order Authorizing Sale of Real Property of the Estate [1755 Hickory Avenue, Torrance, CA 90503-7219] Free and Clear of Liens and Interests Pursuant to 11 U.S.C. Section 363(b), Subject to Higher and Better Offers, and Approving Overbidding Procedures 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*) February 2, 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:

- Ann Chang achang@dumas-law.com
- James A Dumas jdumas@dumas-law.com, jdumas@ecf.inforuptcy.com
- Carolyn A Dye (TR) trustee@cadye.com, cdye@ecf.axosfs.com;atty@cadye.com
- John D Ellis john.ellis3@usdoj.gov, USACAC.criminal@usdoj.gov; CaseView.ECF@usdoj.gov
- Christian T Kim ckim@dumas-law.com, ckim@ecf.inforuptcy.com
- Eric A Mitnick MitnickLaw@aol.com, mitnicklaw@gmail.com
- Melissa A Raskey melissa@bkquick.com
- Jolene Tanner jolene.tanner@usdoj.gov, USACAC.criminal@usdoj.gov
- United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) February 2, 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.

- Glen Dresser, Attorney as agent
- Law Offices of Glen Dresser
- 12439 Magnolia Blvd., #141
- Valley Village, CA 91607

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*) February 2, 2021, 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.

- Kyle E. Lakin, Esq. klakin@delphillp.com
- John P. Kenosian, Esq. Jennifer.robledo@kenosianmiele.com

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.

<u>February 2, 2021</u>	Danielle M. Landeros	<i>/s/ Danielle M. Landeros</i>
Date	Printed Name	Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

In re: CATHY L. MONTENEGRO	CHAPTER: 7
Debtor(s).	CASE NUMBER: 2:20-bk-18390-VZ

Koll Per College Business Park, LLC., a Delaware LLC.
c/o The Koll Company
17755 Sky Park East Ste. 110
Irvine, CA 92614

Canyon Estates Homeowners Association
c/o Kyle E. Lakin, Esq.
Delphi Law Group, LLP
1901 Camino Vida Roble, Ste 100,
Carlsbad, CA 92008-6560

UNIFUND CCR PARTNERS
c/o John P. Kenosian, Esq.
Law offices of Kenosian & Miele, LLP.
8581 Santa Monica Blvd., # 17
Los Angeles, CA 90069

Label Matrix for local noticing
0973-2
Case 2:20-bk-18390-VZ
Central District of California
Los Angeles
Tue Jun 8 11:29:57 PDT 2021

Los Angeles Division
255 East Temple Street,
Los Angeles, CA 90012-3332

Canyon Estates Homeowners Assoc
2323 South Madrona Drive
Palm Springs, CA 92264-9598

Eric Alan Mitnick
21515 Hawthorne Boulevard, Suite 1030
Torrance, CA 90503-6579

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

Kyle Lakin, Esq.
Delphi Law Group
1901 Camino Vida Roble
Suite 100
Carlsbad, CA 92008-6560

M Leonard &
14520 Erwin Street
Van Nuys, CA 91411-2340

Syncb/care Credit
C/o Po Box 965036
Orlando, FL 32896-0001

Valley Collection Serv
Po Box 10130
Glendale, AZ 85318-0130

LEA Accountancy, LLP
3435 Wilshire Boulevard
Suite 990
Los Angeles, CA 90010-1998

(p)CAINE & WEINER COMPANY
12005 FORD ROAD 300
DALLAS TX 75234-7262

Convergent Outsourcing
Po Box 9004
Renton, WA 98057-9004

FRANCHISE TAX BOARD
BANKRUPTCY SECTION MS A340
PO BOX 2952
SACRAMENTO CA 95812-2952

KOLL PER COLLEGE BUSINESS PARK, LLC
C/O KOLL COMPANY
17755 SKY PARK EAST, SUITE 100
IRVINE, CA 92614-6400

(p)LOS ANGELES COUNTY TREASURER AND TAX COLLE
ATTN BANKRUPTCY UNIT
PO BOX 54110
LOS ANGELES CA 90054-0110

Riverside County Tax Collector
Adelina Abril
4080 Lemon St, 4th Floor
Riverside CA 92501-3609

Unifund CCR Partners
Law Offices of Kenosian & Miele LLP
8581 Santa Monica Blvd. #17
Los Angeles, CA 90069-4120

Carolyn A Dye (TR)
Law Offices of Carolyn Dye
15030 Ventura Blvd., Suite 527
Sherman Oaks, CA 91403-5470

UNITED STATES OF AMERICA on behalf of the IN
Attn: Jolene Tanner
300 N. Los Angeles Street, Room 7211
Los Angeles, CA 90012-3342

Canyon Estates Homeowners Association
Kyle Lakin, Esq Delphi Law Group LLP
1901 Camino Vida Roble #100
Carlsbad CA 92008-6560

Desert Water Agency
1200 S. Gene Autry Trail
Palm Springs, CA 92264-3533

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Koll/PER College
Business Park, LLC
c/o Richard L. Seide, APC
901 Dove Street Suite 120
Newport Beach, CA 92660-3018

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Riverside County Treasurer
P.O. Box 12005
Riverside, CA 92502-2205

United States Trustee (LA)
915 Wilshire Blvd, Suite 1850
Los Angeles, CA 90017-3560

Cathy L. Montenegro
1755 Hickory Avenue
Torrance, CA 90503-7219

Caine & Weiner
Po Box 55848
Sherman Oaks, CA 91413

Internal Revenue Service
300 North Los Angeles Street
MS 5022
Los Angeles, CA 90012

Jpmcb Card
Po Box 15369
Wilmington, DE 19850

LOS ANGELES COUNTY TREASURER AND TAX COLLECT
PO BOX 54110
LOS ANGELES CA 90054-0110

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)COLDWELL BANKER

(u)Canyon Estates Homeowners Association

(u)Courtesy NEF

(u)Dumas & Kim, APC

(u)LEA Accountancy

(u)Pacific Sothebys International Realty

(d)Kyle Lakin, Esq.
Delphi Law Group
1901 Camino Vida Roble
Suite 100
Carlsbad, CA 92008-6560

End of Label Matrix	
Mailable recipients	26
Bypassed recipients	7
Total	33