

<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) 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</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>
---	---------------------------

<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: 05/24/2022</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:** 05/10/2022

Description of property to be sold:

Asset Purchase Agreement- Debtor's right to music royalties from Broadcast Music, Inc. ("BMI") and other sources. ("Property")

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: \$ 125,000.00

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:

May 24, 2022

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: 05/03/2022

EXHIBIT “A”

EXHIBIT “A”

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

5 Attorneys for Chapter 7 Trustee,
Carolyn A. Dye

6
7 **UNITED STATES BANKRUPTCY COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **LOS ANGELES DIVISION**

10
11 In re:
12 CATHY L. MONTENEGRO,
13 Debtor.

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

Chapter 7

[Honorable Vincent P. Zurzolo]

14
15 **NOTICE OF TRUSTEE'S MOTION FOR**
16 **ORDER AUTHORIZING SALE OF**
17 **PERSONAL PROPERTY OF THE**
18 **ESTATE FREE AND CLEAR OF LIENS**
19 **AND INTERESTS, SUBJECT TO**
20 **HIGHER AND BETTER OFFERS, AND**
21 **APPROVING OVERBIDDING**
22 **PROCEDURES**

Date: May 24, 2022

Time: 11:00 a.m.

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

23
24 **TO THE HONORABLE VINCENT P. ZURZOLO, UNITED STATES BANKRUPTCY**
25 **JUDGE, THE DEBTOR, AND OTHER INTERESTED PARTIES:**

26 ///

27
28
NOTICE OF TRUSTEE'S MOTION FOR ORDER AUTHORIZING SALE OF PERSONAL PROPERTY OF THE ESTATE
FREE AND CLEAR OF LIENS AND INTERESTS, SUBJECT TO HIGHER AND BETTER OFFERS, AND APPROVING
OVERBIDDING PROCEDURES

1 **PLEASE TAKE NOTICE** that on May 24, 2022, 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 estate’s rights, title and interest in the personal property of the debtor, Cathy L.
6 Montenegro, (“Debtor”) as described in the Asset Purchase Agreement attached to the concurrently
7 filed Motion for Sale, which include but is not limited to the Debtor’s right to music royalties from
8 Broadcast Music, Inc. (“BMI”), and other sources. (“Property”)

9 Trustee proposes to sell the Property to Structured Asset Sales, LLC and/or assignee
10 (collectively the “Buyer”) for a total consideration of One Hundred Twenty-Five Thousand Dollars
11 (\$125,000). Buyer has paid the entire Purchase Price and the sale is to close within five (5) business
12 days after the entry of a sale order approving the sale. The sale is on an "as is - where is" basis. The
13 sale is subject to Bankruptcy Court approval which shall necessarily include an overbid process.
14 There are no broker commissions that need to be paid in connection with the sale. The overbid
15 procedures are as follows:

16 a. Minimum Overbids. The minimum overbid for the Property shall be \$1,250 above the
17 present offer and any subsequent overbids shall be at least \$1,250 over the preceding offer.

18 b. Minimum Deposits. A minimum deposit equal to the Purchase Price of One Hundred
19 Twenty-Five Thousand Dollars (\$125,000), and the initial overbid of One Thousand Two Hundred
20 Fifty Dollars (\$1,250). The overbid payment shall be by cashier's check payable to “Carolyn A. Dye
21 ATF Cathy Montenegro” in the total amount of \$126,250 by no later than **May 17, 2022**. **In the**
22 **event the approved Buyer does not close the transaction, the deposit will be non-refundable if**
23 **the overbid is accepted, and the sale does not close within five (5) days of the date on which the**
24 **Order approving the sale of the Property is entered by the Court.**

25 c. Overbidders are requested to submit to the Trustee, not later than May 17, 2022,
26 **a cashier’s check for the required deposit and evidence of the ability to close.** The Trustee will
27 promptly advise any proposed overbidder of any disapproval of qualifications, giving the overbidder
28 an opportunity to correct the deficiency. The Trustee holds sole discretion in accepting and rejecting

1 all overbids. If the Buyer or overbidders at the hearing on the Motion is determined to not be the
2 successful overbidder, the deposit paid to the Trustee shall be refunded upon closing.

3 d. Any overbids shall offer to purchase the Property on a “as-is - where is” basis and
4 shall contain no conditions, contingencies or addendum in addition to those contained in the terms
5 agreed to between Trustee and Buyer and presented to this Court.

6 e. All due diligence investigations shall be conducted prior to the sale hearing.

7 f. At the conclusion of the hearing on the Motion, the Court shall determine the highest
8 and best offer for the Property, and the Trustee shall proceed to consummate the sale of the Property
9 in accordance with such offer to the highest bidder without further notice to creditors or hearing
10 before this Court.

11 g. The overbidder’s deposit is non-refundable in the event that Court confirms the sale
12 but, for any reason whatsoever, the overbidder fails to close the sale timely. The overbidding party
13 will be bound by all of the terms of sale proposed in this Motion (as incorporated by reference in the
14 sales contract) except as to price, without contingencies of any kind, including financing
15 contingencies, and shall close the escrow no more than five (5) business days after the entry of the
16 order approving the Motion.

17 h. The Trustee also proposes that the Court confirm a backup buyer so that, in the event
18 that the successful overbidder does not close within five (5) days after the entry of the order
19 approving the Motion, the Trustee may retain the deposit of the original successful buyer as
20 liquidated damages and sell the Property to the back-up buyer for the amount of such backup last bid.

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

23 You may request a complete copy of this Motion from

24 Christian T. Kim
25 DUMAS & KIM, APC
26 915 Wilshire Blvd., Ste. 1775
27 Los Angeles, CA 90017
28 (213) 368-5000
ckim@dumas-law.com

A complete copy of the Motion is also on file with the Clerk of the Court and may be viewed

1 at the United States Bankruptcy Court, 255 E. Temple Street, Room 940, Los Angeles, CA 90012.

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

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

10
11
12 Dated: May 3, 2022

DUMAS & KIM, APC

13
14 By: /s/ Christian T. Kim

15 Christian T. Kim, Attorneys for Chapter 7
16 Trustee, Carolyn A. Dye
17
18
19
20
21
22
23
24
25
26
27
28

In re: CATHY L. MONTENEGRO Debtor(s).	CHAPTER: 7 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 Personal Property of the Estate free & Clear of Liens and Interests, Subject to Higher & 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*) **May 3, 2022**, 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
- Leslie A Cohen leslie@lesliecohenlaw.com, jaime@lesliecohenlaw.com; olivia@lesliecohenlaw.com
- James A Dumas jdumas@dumas-law.com, jdumas@ecf.inforuptcy.com
- Carolyn A Dye (TR) trustee@cadye.com, c197@ecfcbis.com;atty@cadye.com
- John D Ellis john.ellis3@usdoj.gov, USACAC.criminal@usdoj.gov; CaseView.ECF@usdoj.gov
- Oscar Estrada oestrada@ttc.lacounty.gov
- Christian T Kim ckim@dumas-law.com, ckim@ecf.inforuptcy.com
- Matthew Long mlong@resurgent.com
- Mark J Markus bklawr@bklaw.com, markjmarkus@gmail.com; markus.markj.r112926@notify.bestcase.com
- Eric A Mitnick MitnickLaw@aol.com, mitnicklaw@gmail.com
- Melissa A Raskey melissa@bkquick.com, raskey.melissab111106@notify.bestcase.com
- Jolene Tanner jolene.tanner@usdoj.gov, USACAC.criminal@usdoj.gov
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **May 3, 2022**, 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.

Cathy L. Montenegro
PO Box 11122
Torrance, CA 90510-1122

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*) **May 3, 2022**, 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.

<u>May 3, 2022</u> Date	Danielle M. Landeros Printed Name	/s/ Danielle M. Landeros Signature
----------------------------	--------------------------------------	---------------------------------------

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

Label Matrix for local noticing
0973-2

Case 2:20-bk-18390-VZ

Central District of California
Los Angeles
Tue May 3 13:45:29 PDT 2022

LVNV Funding, LLC
Resurgent Capital Services
P.O. Box 10587
Greenville, SC 29603-0587

Broadcast Music Inc.,
Broadcast Music Inc., c/o Gibbons
Attn: Mark B. Conlan
One Gateway Center
Newark, NJ 07102-5310

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

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

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

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

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

IEA Accountancy, LLP
Main Document
3435 Wilshire Boulevard

Suite 990
Los Angeles, CA 90010-1998

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

(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

Internal Revenue Service
Insolvency
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

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

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

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

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

Franchise Tax Board
Personal Bankruptcy- MS:A340
PO BOX 2952
Sacramento, CA 95812-2952

(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

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
PO BOX 11122
Torrance, CA 90510-1122

Mark J Markus
Law Office of Mark J. Markus
11684 Ventura Blvd #403
Studio City, CA 91604-2699

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

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

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

(d)LOS ANGELES COUNTY TREASURER AND TAX COLLE
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

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

End of Label Matrix	
Mailable recipients	30
Bypassed recipients	8
Total	38