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| <p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Peter J. Mastan, Trustee peter.mastan@dinsmore.com 550 S. Hope St., Suite 1765 Los Angeles, CA 90071 Telephone: (213) 335-7739</p> <p><input checked="" type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for:</p> | <p>FOR COURT USE ONLY</p> |
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION**

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| <p>In re:</p> <p>JOSE RAMIREZ MARIA RAMIREZ,</p> <p align="right">Debtor(s).</p> | <p>CASE NO.: 2:21-bk-13159-ER CHAPTER: 7</p> <p align="center">NOTICE OF SALE OF ESTATE PROPERTY</p> |
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| <p>Sale Date: 09/01/2021</p> | <p>Time: 10:00 am</p> |
| <p>Location: Courtroom 1568, 255 E. Temple St., Los Angeles, CA 90071</p> | |

Type of Sale: Public Private **Last date to file objections:** 08/18/2021

Description of property to be sold:
Estate's interest in (a) 2007 Nissan Versa and (b) 2010 Ford F150.

Terms and conditions of sale:
Vehicles to be sold on an "AS IS" and "WHERE IS" basis, subject to all existing encumbrances, liens, claims and restrictions thereon, if any.

Proposed sale price: \$ 9,325.00

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): Initial overbid must be \$1,000 greater than that to be paid by Debtors plus claimed exemption in Vehicles (i.e., \$6,000 plus claimed exemptions of \$3,325 for a total of \$9,325). See attached notice.

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

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

Peter J. Mastan, Trustee
550 S. Hope St., Suite 1765
Los Angeles, CA 90071
Telephone: (213) 335-7739
travis.terry@dinsmore.com

Date: 07/21/2021

1 Peter J. Mastan, Trustee
travis.terry@dinsmore.com
2 550 Hope St., Suite 1765
Los Angeles, California 90071
3 Telephone: 213-335-7737

4 Chapter 7 Trustee of the Bankruptcy Estate of
Jose Ramirez and Maria Ramirez
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8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **LOS ANGELES DIVISION**

11 In re:

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13 JOSE RAMIREZ
MARIA RAMIREZ,

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15 Debtor(s).
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Case No. 2:21-bk-13159-ER

Chapter 7

**NOTICE OF HEARING ON MOTION
TO APPROVE ASSIGNMENT
AGREEMENT BETWEEN THE
TRUSTEE AND DEBTORS FOR THE
TRUSTEE'S CONVEYANCE OF THE
ESTATE'S INTEREST IN (A) 2007
NISSAN VERSA AND (B) 2010 FORD
F150**

Date: September 1, 2021

Time: 10:00 a.m.

Ctrm: Courtroom 1568

255 E. Temple Street

Los Angeles, CA 90012

Judge: Hon. Ernest M. Robles
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1 **TO THE HONORABLE ERNEST M. ROBLES, UNITED STATES BANKRUPTCY**
2 **JUDGE, THE DEBTORS, THE OFFICE OF THE UNITED STATES TRUSTEE, ALL**
3 **SCHEDULED CREDITORS OF THE ESTATE, ALL OTHER INTERESTED PARTIES;**
4 **AND THEIR RESPECTIVE COUNSEL OF RECORD, IF ANY:**

5 **NOTICE IS HEREBY GIVEN** that, on September 1, 2021, on the 10:00 a.m. calendar, in
6 Courtroom 1545 of the United States Bankruptcy Court located at 255 E. Temple Street, Los
7 Angeles, California 90012, the Honorable Ernest M. Robles, United States Bankruptcy Judge, will
8 conduct a hearing on the “Motion To Approve Assignment Agreement between the Trustee and
9 Debtors for the Trustee’s Conveyance of the Estate’s Interest in (A) 2007 Nissan Versa and
10 (B) 2010 Ford F150” (the “Motion”) filed by Peter J. Mastan, Chapter 7 trustee (the “Trustee”) of
11 the bankruptcy estate (the “Estate”) of Jose Ramirez and Maria Ramirez (the “Debtors”). Through
12 the Motion, the Trustee seeks an order that does each of the following:

13 (1) Approves the Assignment Agreement (the “Agreement”) attached as **Exhibit 1** to
14 the Motion.

15 (2) Authorizes the Trustee to make the assignment of the Estate’s interest in the
16 vehicles described as a (A) 2007 Nissan Versa (VIN 3N1BC13E57L454807) (the “Nissan”) and
17 (B) 2010 Ford F150 (VIN 1FTEX1CW1AFC97821) (the “Ford”) (collectively, the “Vehicles) and
18 determines that the assignment is made on an “AS IS” and “WHERE IS” basis, subject to all
19 existing encumbrances, liens, claims and restrictions thereon, if any.

20 (3) Determines that the Agreement was made in good faith in an arm’s-length
21 transaction and that the assignee of the Estate’s interest in the Vehicles (whether the Debtors, or a
22 successful overbidder) is acting in good faith within the meaning of 11 U.S.C. § 363(m).

23 (4) Determines that adequate notice of the Motion was given.

24 (5) Authorizes the Trustee to perform the terms of the Agreement and to sign all such
25 documents that are reasonably necessary to perform the Trustee’s obligations under the
26 Agreement.

27 (6) Reserves Bankruptcy Court jurisdiction to enforce the Agreement.

28 (7) Approves the following overbid procedure:

1 (a) any initial overbid for an assignment of the Estate's interest in the Vehicles
2 must be in an amount at least \$1,000 greater than the amount to be paid by Debtors under the
3 Agreement (i.e., in an amount not less than \$6,000.00 plus the amount of Debtors' claimed
4 exemption of \$3,325 in the Ford for a total of \$9,325);

5 (b) in the event that the Trustee receives multiple overbids, any subsequent
6 overbids must be made in Court at the time of the hearing on the Motion and must be made in
7 minimum increments of \$500;

8 (c) any overbid must be accompanied by a certified or cashier's check in the
9 full amount of that bid and the successful overbidder must pay to the Trustee by certified or
10 cashier's check the full purchase price at the time of the hearing on the Motion;

11 (d) any sale at overbid will be all cash "AS IS," "WHERE IS," subject to all
12 claims, liens, encumbrances, and other interests, with all faults and without any representation or
13 warranty whatsoever, whether express or implied, including without limitation, without warranty
14 as to functionality, merchantability, or fitness for a particular purpose and;

15 (e) the Trustee may exercise his discretion to reject a particular overbid that is
16 not both higher and better (based upon all of the circumstances) than the Debtors' offer or the
17 offer of other overbidders.

18 (f) any person making an overbid for the Vehicles shall be deemed to have
19 made, on his/her/its own account, each of the representations made by the Debtors to the Trustee
20 as set forth in Paragraph 5 of the Agreement.

21 (8) Authorizes the Trustee to close the proposed assignment of the Estate's interest in
22 the Vehicles to the Debtors (or the successful overbidder) unless an appeal of the order authorizing
23 that sale is timely filed and a stay pending appeal is entered.

24 (9) Waives the 14-day stay of orders for the disposition of Estate property set forth in
25 Fed.R.Bankr.P. 6004(h).

26 **NOTICE IS FURTHER GIVEN** that the Motion is made pursuant to 11 U.S.C.
27 §§ 363(b) and 363(m), Federal Rules of Bankruptcy Procedure 2002 and 6004, and
28 Local Bankruptcy Rules 6004-1 and 9013-1 on the grounds that the proposed assignment is in the

1 best interest of the Estate in that it will maximize the value to unsecured creditors of the Estate's
2 interest in the Vehicles.

3 **NOTICE IS FURTHER GIVEN** that the Motion is based on (a) this Notice of Hearing
4 on Motion; (b) the concurrently filed Notice of Motion and Motion, Memorandum of Points and
5 Authorities, Declaration of Peter J. Mastan, and Exhibits; (c) the pleadings on file with the Court
6 of which the Court is requested to take judicial notice; and (d) such further evidence that may be
7 properly submitted prior to or at any hearing on the Motion. At your own expense, you may
8 obtain a complete copy of the Motion from the Court's file. Alternatively, you may obtain a free,
9 electronic copy of the Motion by contacting Mr. Travis Terry at travis.terry@dinsmore.com and
10 providing to Mr. Terry your email address.

11 **NOTICE IS FURTHER GIVEN** that, pursuant to Local Bankruptcy Rule 9013-1(f), any
12 opposition to the Motion must be in writing; must be filed with the Court and served upon the
13 Trustee, the Office of the United States Trustee, and the Debtors at the addresses set forth below
14 not later than 14 days before the hearing on the Motion; and must include a complete written
15 statement of all reasons in opposition thereto or in support or joinder thereof, declarations and
16 copies of all photographs and documentary evidence on which the responding party intends to
17 rely, and any responding memorandum of points and authorities:

18 **For Filing With the Court**

19 Clerk's Office
20 United States Bankruptcy Court
255 E. Temple Street, Room 940
Los Angeles, California 90012

21 **For Service on Ernest M. Robles, Bankruptcy Judge**

22 Hon. Ernest M. Robles
23 United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal
24 Building and Courthouse
255 E. Temple Street, Suite 1560
25 Los Angeles, CA 90012

26 **For Service on the Trustee**

27 Peter J. Mastan, Trustee
550 South Hope Street, Suite 1765
28 Los Angeles, California 90071-2627

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For Service on Office of U.S. Trustee

Office of the U.S. Trustee
915 Wilshire Blvd., Suite 1850
Los Angeles, CA 90017

For Service on the Debtors

Kian Mottahedeh, Esq.
SM Law Group, APC
16130 Ventura Blvd., Suite 300
Encino, CA 91436

and

Jose Ramirez
Maria Ramirez
8903 S. Fir Ave.
Los Angeles, CA 90002

NOTICE IS FURTHER GIVEN that, pursuant to Local Bankruptcy Rule 9013-1(h),
failure to timely file and serve an objection may be deemed by the Court to be consent to granting
the Motion.

DATED: July 23, 2021

Respectfully submitted,

CHAPTER 7 TRUSTEE

By: /s/ Peter J. Mastan
Peter J. Mastan
Chapter 7 Trustee of the Bankruptcy
Estate of Jose Ramirez and Maria Ramirez

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: 550 S. Hope Street, Suite 1765, Los Angeles, CA 90071

A true and correct copy of the foregoing document described as: **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 **July 23, 2021**, 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 addresses indicated below:

- **Peter J Mastan (TR)** pmastan@iq7technology.com; travis.terry@dinsmore.com; ecf.alert+Mastan@titlexi.com
- **Kian Mottahedeh** kian@smlawca.com, lawsr69447@notify.bestcase.com;nancy@smlawca.com
- **United States Trustee (LA)** ustpregion16.la.ecf@usdoj.gov

_____ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served): On **July 23, 2021** 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.

UNITED STATES BANKRUPTCY COURT
Hon. Ernest M. Robles
United States Bankruptcy Court
Edward R. Roybal Federal
Building and Courthouse
255 E. Temple Street, Suite 1660
Los Angeles, CA 90012

DEBTOR(S)
Jose Ramirez
Maria Ramirez
8903 S. Fir Ave.
Los Angeles, CA 90002

_____ 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 **July 23, 2021** 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 mailing 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 of America that the foregoing is true and correct.

July 23, 2021
Date

TRAVIS MICHAEL TERRY
Type name

/s/ Travis Michael Terry
Signature