

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Peter J. Mastan, Trustee peter.mastan@dinsmore.com 550 Hope St., Suite 1765 Los Angeles, California 90071 Telephone: 213-335-7737 Chapter 7 Trustee of the Bankruptcy Estate of Alejandrina Cruz <input type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for:	FOR COURT USE ONLY
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION**

In re: ALEJANDRINA CRUZ, Debtor(s).	CASE NO.: 2:21-bk-14723-BB CHAPTER: 7 <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>
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Sale Date: 10/27/2021	Time: 10:00 am
Location: Courtroom 1539, 255 E. Temple St., Los Angeles, CA 90012	

Type of Sale: Public Private **Last date to file objections:** 10/13/2021

Description of property to be sold:
2018 Honda Civic

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

Proposed sale price: \$ 6,925.00

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 bid must be at least \$7,925 (the amount being paid or exempted by Debtor plus \$1,000). Subsequent bids must be at least \$500 higher than the initial bid. See attached Notice of Hearing.

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
c/o Dinsmore & Shohl, LLP
550 S. Hope St., Suite 1765
Los Angeles, CA 90071
Telephone: (213) 335-7739
Email: travis.terry@dinsmore.com

Date: 09/24/2021

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 Alejandrina Cruz
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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 ALEJANDRINA CRUZ,

14 Debtor(s).
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Case No. 2:21-bk-14723-BB

Chapter 7

**NOTICE OF HEARING ON MOTION
TO APPROVE ASSIGNMENT
AGREEMENT BETWEEN THE
TRUSTEE AND DEBTOR FOR THE
TRUSTEE'S CONVEYANCE OF THE
ESTATE'S INTEREST IN 2018
HONDA CIVIC**

Date: October 27, 2021
Time: 10:00 a.m.
Ctrm: Courtroom 1539
255 E. Temple Street
Los Angeles, CA 90012
Judge: Hon. Sheri Bluebond

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1 **TO THE HONORABLE SHERI BLUEBOND, UNITED STATES BANKRUPTCY JUDGE,**
2 **THE DEBTOR, THE OFFICE OF THE UNITED STATES TRUSTEE, ALL SCHEDULED**
3 **CREDITORS OF THE ESTATE, ALL OTHER INTERESTED PARTIES; AND THEIR**
4 **RESPECTIVE COUNSEL OF RECORD, IF ANY:**

5 **NOTICE IS HEREBY GIVEN** that, on October 27, 2021, on the 10:00 a.m. calendar, in
6 Courtroom 1539 of the United States Bankruptcy Court located at 255 E. Temple Street, Los
7 Angeles, California 90012, the Honorable Sheri Bluebond, United States Bankruptcy Judge, will
8 conduct a hearing on the “Motion to Approve Assignment Agreement between the Trustee and
9 Debtor for the Trustee’s Conveyance of the Estate’s Interest in 2018 Honda Civic” (the “Motion”)
10 filed by Peter J. Mastan, Chapter 7 trustee (the “Trustee”) of the bankruptcy estate (the “Estate”)
11 of Alejandrina Cruz (the “Debtor”). Through the Motion, the Trustee seeks an order that does each
12 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 vehicle
16 described as a 2018 Honda Civic (VIN JHMFC1F71JX013276) (the “Vehicle”) and determines
17 that the assignment is made on an “AS IS” and “WHERE IS” basis, subject to all existing
18 encumbrances, liens, claims and restrictions thereon, if any.

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

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

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

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

27 (7) Approves the following overbid procedure:

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1 **(a)** any initial overbid for an assignment of the Estate's interest in the Vehicle
2 must be in an amount at least \$1,000 greater than the amount to be paid by Debtor under the
3 Agreement (i.e., in an amount not less than \$4,600 plus the amount of Debtor's claimed exemption
4 of \$3,325 in the Vehicle for a total of \$7,925);

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 Debtor's offer or the
17 offer of other overbidders.

18 **(f)** any person making an overbid for the Vehicle shall be deemed to have
19 made, on his/her/its own account, each of the representations made by the Debtor to the Trustee as
20 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 Vehicle to the Debtor (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 Local
28 Bankruptcy Rules 6004-1 and 9013-1 on the grounds that the proposed assignment is in the best

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

3 **NOTICE IS FURTHER GIVEN** that the Motion is based on (a) this Notice of Hearing;
4 (b) the concurrently filed Notice of Motion and Motion, Memorandum of Points and Authorities,
5 Declaration of Peter J. Mastan, and Exhibits; (c) the pleadings on file with the Court of which the
6 Court is requested to take judicial notice; and (d) such further evidence that may be properly
7 submitted prior to or at any hearing on the Motion. At your own expense, you may obtain a
8 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 Debtor 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 Sheri Bluebond,
Bankruptcy Judge**

22 Hon. Sheri Bluebond
23 United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal
24 Building and Courthouse
255 E. Temple Street, Suite 1534
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

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 Debtor

Omar Zambrano, Esq.
Law Office of Omar Zambrano
12738 Ramona Blvd
Baldwin Park, CA 91706

and

Alejandrina Cruz
901 N. Hazard Ave.
Los Angeles, CA 90063

1 **NOTICE IS FURTHER GIVEN** that due to the COVID-19 outbreak, Judge Bluebond
2 will be holding all hearings remotely until further notice. Some hearings will be held via
3 telephone using CourtCall and some hearings will be held via ZoomGov. The cover page for the
4 publicly posted hearing calendar will state whether the hearings that day will be held via telephone
5 by CourtCall or via ZoomGov. The calendar is posted to the public at least 2 weeks prior to the
6 hearing and can be accessed at the following web address:
7 <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=BB> (Click on the “Select Judge” tab on the
8 upper left side of the screen and select Judge Bluebond).

9 A telephonic or video appearance will be allowed, but you must notify the Court of your
10 appearance.

11 A written list of the matter(s) on which you will be making a telephonic or Zoomgov video
12 appearance must be provided to the Court via email to Chambers_SBluebond@cacb.uscourts.gov
13 not later than 3 p.m. on the day prior to the hearing and must contain (i) the date, time and
14 calendar number(s) of the hearing(s) in the subject line of the email and (ii) all of the following
15 information within the body of the email:

- 16 1. the name of the case and the bankruptcy case number (and adversary number, if
17 applicable);
- 18 2. the date and time of the hearing;
- 19 3. the calendar number assigned to the matter (or, if a calendar number has not yet
20 been assigned, then a statement so stating);
- 21 4. who the party appearing by telephone or video represents; and
- 22 5. contact information, including email address and telephone number.

23 **Telephonic hearings:** For telephonic hearings, the first page of Judge Bluebond’s publicly
24 posted hearing calendar will provide CourtCall telephonic information for the hearings. CourtCall
25 is offering free access for pro se parties and discounted charges for attorneys through March 31,
26 2021. If a hearing is being held via telephone, you must register with CourtCall in time to be
27 included in CourtCall’s Calendar, which is transmitted to the Court 24 hours prior to the hearing

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1 for verification purposes. Contact CourtCall at (866) 582-6878 to schedule a telephonic
2 appearance.

3 **ZoomGov hearings:** For ZoomGov hearings, the first page of Judge Bluebond's publicly
4 posted hearing calendar will provide video and audio connection information for the hearings.

5 You may appear by video or audio via ZoomGov using a personal computer (equipped
6 with camera, microphone and speaker), or a handheld mobile device (such as an iPhone and/or
7 Android phone). Alternatively, you may participate by ZoomGov via audio only by using a
8 telephone (standard telephone charges may apply). Neither a Zoom account nor a ZoomGov
9 account are necessary to participate and no pre-registration is required. The audio portion of each
10 hearing will be recorded electronically by the Court and constitute its official record.

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

14 DATED: September 24, 2021

Respectfully submitted,

CHAPTER 7 TRUSTEE

17 By: /s/ Peter J. Mastan
Peter J. Mastan
Chapter 7 Trustee of the Bankruptcy
Estate of Alejandrina Cruz

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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 **September 24, 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
- **Stacie Sanders** ebnbankruptcy@ahm.honda.com
- **United States Trustee (LA)** ustpreion16.la.ecf@usdoj.gov
- **Omar Zambrano** omarzambrano@zambranolaw.net, r46033@notify.bestcase.com; susie@zambranolaw.net; samira@zambranolaw.net

_____ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served): On **September 24, 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.

DEBTOR(S)

Alejandrina Cruz
901 N. Hazard Ave.
Los Angeles, CA 90063

UNITED STATES BANKRUPTCY COURT

Hon. Sheri Bluebond
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal
Building and Courthouse
255 E. Temple Street, Suite 1534
Los Angeles, CA 90012

_____ 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 **September 24, 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.

September 24, 2021 **TRAVIS MICHAEL TERRY**
Date Type name

/s/ Travis Michael Terry
Signature