

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  Peter J. Mastan, Trustee travis.terry@dinsmore.com 550 S. Hope St., Suite 1765 Los Angeles, California 90071 Telephone: 213-335-7737  Chapter 7 Trustee of the Bankruptcy Estate of Ernesto Magana and Lucila Magana  <input checked="" 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:  ERNEST MAGANA LUCILA MAGANA,   Debtor(s).	CASE NO.: 2:22-bk-14401-ER CHAPTER: 7  <b>NOTICE OF SALE OF ESTATE PROPERTY</b>
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<b>Sale Date:</b> 04/19/2023	<b>Time:</b> 11:00 am
<b>Location:</b> Courtroom 1568, 255 E. Temple St., Los Angeles, CA 90012	

**Type of Sale:**  Public  Private **Last date to file objections:** 04/05/2023

**Description of property to be sold:**

2015 Nissan Altiuma

**Terms and conditions of sale:**

"AS IS" and "WHERE IS" basis, subject to all existing encumbrances, liens, claims and restrictions thereon, if any.  
See concurrently filed motion for lien information.

**Proposed sale price:** \$ 7,625.00

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 \$8,625.00 (the amount being paid by Debtor (\$4,000) plus Debtor's claimed exemption in the Vehicle (\$3,625) plus \$1,000). Subsequent bids must be at least \$500 higher than the initial bid.

**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: 03/15/2023

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

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

11 In re:

12  
13 ERNEST MAGANA  
LUCILA MAGANA,

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15 Debtor(s).  
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Case No. 2:22-bk-14401-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 THE 2015  
NISSAN ALTIMA**

Date: April 19, 2023  
Time: 11:00 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 April 19, 2023, on the 11:00 a.m. calendar, in  
6 Courtroom 1568 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 the 2015 Nissan Altima” (the  
10 “Motion”) filed by Peter J. Mastan, Chapter 7 trustee (the “Trustee”) of the bankruptcy estate (the  
11 “Estate”) of Ernesto Magana and Lucila Magana (the “Debtors”). Through the Motion, the Trustee  
12 seeks an order that does each of the following:

- 13 (1) Approves the Assignment Agreement (the “Agreement”) attached **Exhibit 1** to the  
14 Motion.
- 15 (2) Authorizes the Trustee to make the assignment of the Estate’s interest in the vehicle  
16 described as 2015 Nissan Altima 2.5 SV Sedan 4D (VIN 3N1AB7AP2FY312695) (the “Vehicle”)  
17 and determines that the assignment is made on an “AS IS” and “WHERE IS” basis, subject to all  
18 existing 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 Debtors, 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 the Debtors under the  
3 Agreement (i.e., in an amount not less than \$5,000 plus the amount of Debtors’ \$3,625 exemption  
4 in the Vehicle for a total of \$8,625);

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 Vehicle shall be deemed to have  
19 made, on his/her/their 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 Vehicle 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 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](mailto: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 Judge Robles**

22 Hon. Ernest M. Robles  
23 United States Bankruptcy Court  
Central District of California  
Edward R. Roybal Federal  
Building and Courthouse  
24 255 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  
Los Angeles, California 90071-2627

18 **For Service on Office of U.S. Trustee**

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

21 **For Service on the Debtors**

22 D. Justin Harelik, Esq.  
23 Westgate Law  
16444 Paramount Blvd., Suite 205  
Paramount, CA 90723

and

Ernesto Magana  
Lucila Magana  
2436 Iowa Avenue  
South Gate, CA 90280

1           **NOTICE IS FURTHER GIVEN** that Pursuant to General Order 21-05 issued on June 22,  
2 2021, the Roybal Federal Building is now open to the public. Unless otherwise ordered, parties  
3 may appear at hearings either in-person or by telephone through CourtCall (more information on  
4 appearing through CourtCall is set forth below). Parties electing to appear in-person shall comply  
5 with all requirements regarding social distancing, use of face masks, etc. which may be in effect at  
6 the time of the hearing.

7           Telephone appearances will be arranged through Court Call, LLC™. It is counsel's  
8 responsibility to schedule their telephonic appearance at least five Court days prior to the hearing  
9 date by contacting CourtCall @ 866-882-6878 or via internet by registering at  
10 www.courtcall.com.

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  
15 DATED: March 19, 2023

Respectfully submitted,

CHAPTER 7 TRUSTEE

By: /s/ Peter J. Mastan

Peter J. Mastan

Chapter 7 Trustee of the Bankruptcy

Estate of Ernesto Magana and Lucila Magana

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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 **March 15, 2023**, 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:

- **D Justin Harelik** info@westgatelaw.com, r61832@notify.bestcase.com;  
naaz@westgatelaw.com
- **Peter J Mastan (TR)** pmastan@iq7technology.com; travis.terry@dinsmore.com;  
ecf.alert+Mastan@titlexi.com
- **United States Trustee (LA)** ustpregion16.la.ecf@usdoj.gov
- **Kiana Witcher** kiana.witcher@bonialpc.com

\_\_\_\_ Service information continued on attached page

**II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL** (indicate method for each person or entity served): On **March 15, 2023** 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)**

Ernesto Magana  
Lucila Magana  
2438 Iowa Avenue  
South Gate, CA 90280

\_\_\_\_ 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 **March 15, 2023** 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.

**March 15, 2023**  
Date

**TRAVIS MICHAEL TERRY**  
Type name

/s/ Travis Michael Terry  
Signature