

☐ Individual appearing without attorney
☒ Attorney for: Wesley H. Avery, Chapter 7 Trustee

NOTICE OF SALE OF ESTATE PROPERTY

Location: U.S. Bankruptcy Court, Roybal Fed. Bldg., 255 E. Temple Street, Courtroom 1539, Los Angeles, CA 90012

Last date to file objections: 05/16/2018

VACANT LAND LOCATED AT the corner of Ave. L and 6th Street in the City of Lancaster, County of Los Angeles, State of California, bearing Parcel ID # 3126-021-026-15-000

SEE NOTICE OF MOTION ATTACHED HERETO. YOU MAY ALSO CONTACT THE TRUSTEE'S COUNSEL FOR COPY OF MOTION AT THE PHONE NUMBER, EMAIL, AND/OR ADDRESS ABOVE.

F 6004-2.NOTICE.SALE

Overbid procedure (if any):

SEE NOTICE OF MOTION ATTACHED HERETO FOR EXACT OVERBID PROCEDURES

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

Date: May 30, 2018
Time: 10:00 a.m.
Crm: 1539
U.S. Bankruptcy Court, Roybal Federal Building
255 E. Temple Street
Los Angeles, CA 90012

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

Jeff Little
Coldwell Banker Commercial, a Hartwig Company
43912 20th Street West
Lancaster, CA 93534
Phone: (661) 948-8424
Fax: (661) 945-3557
Email: jeffglittle@gmail.com

Or you may contact counsel for Chapter 7 Trustee Wesley H. Avery as set forth in the upper left hand corner of the first page of this document.

Date: 05/03/2018

Joseph E. Caceres, Esq. (SBN 169164)
Charles Shamash, Esq. (SBN 178110)
CACERES & SHAMASH, LLP
8200 Wilshire Boulevard, Suite 400
Beverly Hills, California 90211
Telephone: (310) 205-3400
Facsimile: (310) 878-8308
Email: jec@locs.com

General Counsel for Wesley H. Avery,
Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re

THOMAS JOHN BISHOP,

) Case No. 2:15-bk-20999-BB

) Chapter 7

) **NOTICE OF HEARING ON:**
) **CHAPTER 7 TRUSTEE'S MOTION FOR**
) **ORDER AUTHORIZING SALE OF REAL**
) **PROPERTY, FREE AND CLEAR OF LIENS,**
) **CLAIMS, AND INTERESTS, SUBJECT TO**
) **OVERBID**

) *[Re Vacant Land Located at:*
) *the corner of Ave. L and 6th Street in the City of*
) *Lancaster, County of Los Angeles, State of*
) *California, bearing Parcel ID #*
) *3126-021-026-15-000]*

) Date: May 30, 2018
) Time: 10:00 a.m.
) Ctrm: 1539
) 255 E. Temple Street
) Los Angeles, CA 90012

Debtor(s).

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1 **TO THE HONORABLE SHERI BLUEBOND, UNITED STATES BANKRUPTCY**
2 **JUDGE, THE UNITED STATES TRUSTEE, AND ALL CREDITORS AND**
3 **INTERESTED PARTIES:**

4 **PLEASE TAKE NOTICE** that on the above date and time and in the indicated
5 courtroom, a hearing will take place on the Motion of Wesley H. Avery, Chapter 7 Trustee
6 (“Trustee”) for the bankruptcy estate of Thomas John Bishop (“Debtor”), for Order Authorizing
7 Sale of Real Property, Free and Clear of Liens, Claims & Interests, Subject to Overbid, pursuant to
8 11 U.S.C. § 363(b), (f), and (h) (the "Sale Motion"). Based on Trustee’s sound business
9 judgment, Trustee believes the sale of the Property as set forth in the Sale Motion and herein is in
10 the best interests of the Estate.

11 **PLEASE TAKE FURTHER NOTICE** that through the Sale Motion, Trustee seeks an
12 order approving the sale of the vacant land located at *the corner of Ave. L and 6th Street in the*
13 *City of Lancaster, County of Los Angeles, State of California, bearing Parcel ID #*
14 *3126-021-026-15-000*, subject to overbid, on the terms and conditions specified in the accepted
15 Vacant Land Purchase Agreement and Joint Escrow Instructions dated March 6, 2018 and related
16 documents, including Seller Counter Offer No. 1 and Addendum No. 1 thereto, and Trustee’s
17 Addendum (collectively, the “Purchase Agreement”), attached to the Sale Motion as Exhibit 4
18 thereto, and incorporated herein by reference, to Peter Biernat and Marcin Biernat (“Biernat” or
19 “Buyer”), for \$95,000.00 cash (the “Sale Price”), or to any person or entity that appears at the
20 hearing on the Sale Motion and submits a higher acceptable bid in accordance with Trustee’s
21 proposed overbid procedures, as set forth in the Sale Motion and reproduced below.

22 **PLEASE TAKE FURTHER NOTICE** that, as part of the Sale Motion, Trustee seeks an
23 order approving the sale free and clear of all liens, claims, and interests. The Property is being
24 sold on all-cash and “as is, where is” basis, without any warranties, disclosures, representations,
25 recourse, repairs, or contingencies of any kind. Further, Trustee seeks an order (1) that the
26 Property is property of the Bankruptcy Estate; (2) approving the proposed overbid procedures in
27 conjunction with approval of the sale; (3) approving the sale of the Estate’s 2/3 interest and the
28 Co-Owner’s 1/3 interest in the Property to Buyer Biernat or to the highest qualified overbidder,

1 free and clear of liens, claims, and interests, with the proceeds attaching to any asserted liens to
2 the same extent, validity, and priority as they existed prior to the close of escrow, pursuant to the
3 procedures set forth herein; (4) approving the payment through escrow of any property taxes that
4 may be owing; any lien that pops up that Trustee deems valid and payable through escrow
5 (although none expected); ordinary and reasonable costs such as, but not necessarily limited to,
6 prorated taxes, title fees, escrow fees, broker commissions of 8%, and other ordinary closing costs
7 as per usual procedures; (5) authorizing and directing escrow to pay all net proceeds of the sale
8 after payment of the foregoing to Trustee upon close of escrow; (6) that pending Trustee's review
9 of any unexpected lien, claim, or interest that may be asserted, up to all net proceeds of the sale
10 after payment of ordinary and reasonable costs shall be paid over to him as Trustee, to be held by
11 him for the benefit of the Estate pending further Court order, with liens to attach to the proceeds of
12 sale to the same extent, validity, and priority with which they attached to the Property, as adequate
13 protection under 11 U.S.C. § 363(e); and to effectuate this procedure, Trustee is authorized to
14 instruct escrow to pay any undisputed amounts of said liens, claims, or interests to the respective
15 claimants, with the disputed amounts paid over to Trustee, to be reserved pending further Court
16 order or agreement with the affected lienholder(s), if any; (7) authorizing Trustee to pay over to
17 the co-owner the co-owner's 1/3 share in the net proceeds received by Trustee (i.e., after all liens,
18 costs and expenses of the sale are paid, whether said items were paid through escrow or thereafter
19 by Trustee); (8) authorizing and directing Trustee and Buyer or a qualified successful overbidder
20 to execute any and all documents or take any action necessary to transfer the Property from the
21 estate to Buyer (or to any qualified successful overbidder); (9) finding that Buyer or a qualified
22 successful overbidder is a good-faith purchaser; (10) that the automatic 14-day stay of Fed.R.
23 Bankr. Proc. 6004(h) is waived; (11) retaining jurisdiction to (i) enforce and implement the terms
24 and provisions of the Purchase Agreement, all addendums and amendments thereto, any waivers
25 and consents thereunder, and any other supplemental documents or agreements executed in
26 connection therewith or the Escrow; (ii) compel delivery and payment of the consideration
27 provided for under the Purchase Agreement; and (iii) resolve any disputes, controversies or claims
28 arising out of or relating to the Purchase Agreement; and (12) granting such other and further

1 relief as the Court deems just and proper.

2 **PLEASE TAKE FURTHER NOTICE** that the proposed sale to Buyer is subject to
3 approval of the United States Bankruptcy Court and subject to overbids of any qualified third
4 party. Trustee proposes that the following overbid procedures, which are subject to Court
5 approval, be used at the hearing on the Motion (the "Sale Hearing") for considering overbids:

6 **Proposed Overbid Procedures/Competing Offers**

7 A. Trustee proposes the following overbid procedures be used at the hearing on the
8 Sale Motion (the "Sale Hearing") for the purpose of considering bids.

9 a. Qualification to Overbid. Each potential bidder (other than Buyer Biernat), in
10 order to qualify as a bidder at the Sale Hearing, shall -

- 11 i. at least three (3) days prior to the Sale Hearing, present to Trustee's Broker a
12 cashier's check in the minimum amount of two thousand dollars (\$2,000.00) (the
13 same amount deposited by Biernat) (the "Earnest Money Deposit") made payable to
14 Wesley H. Avery, As Trustee for the Bankruptcy Estate of Thomas John Bishop.
15 Trustee shall return the Earnest Money Deposit if he accepts the bid of another
16 bidder;
- 17 ii. at least three (3) days prior to the Sale Hearing, present to Trustee's Broker a
18 completed and executed written offer to purchase signed by the bidder that contains
19 terms and conditions that are, in the Trustee's business judgment, substantially
20 similar or superior to the terms and conditions specifically contained in the
21 Purchase Agreement and attached addenda, collectively attached to the Sale
22 Motion as Exhibit 4;
- 23 iii. at least three (3) days prior to the Sale Hearing, offer proof to Trustee's Broker that
24 the bidder has the financial ability to pay the balance of any bid made by such
25 bidder, such proof to be deemed acceptable or unacceptable by Trustee in his sole
26 discretion, subject to approval by the Court; and
- 27 iv. attend the Sale Hearing; and

28 b. Initial and Subsequent Overbids. The initial overbid shall be a total of at least two
thousand dollars (\$2,000.00) more than the Sale Price, and all additional/subsequent overbids

1 must be made in minimum increments of one thousand dollars (\$1,000.00); and

2 c. Winning Bidder/Close of Escrow/Liquidated Damages. Whether the Buyer or an
3 overbidder is declared the winning bidder at the Sale Hearing (the “Winning Bidder”), such
4 Winning Bidder shall close escrow no later than thirty (30) days after the order granting the Sale
5 Motion is entered by the bankruptcy court. If the Winning Bidder, whether original Buyer or a
6 successful overbidder, fails to close escrow within the applicable period above due to such
7 Winning Bidder’s default, Trustee may cancel the purchase contract and escrow via written
8 instructions to escrow. In such a case the Winning Bidder shall forfeit its Earnest Money Deposit,
9 and escrow shall remit said Earnest Money Deposit to the Trustee upon demand by the Trustee.
10 However, in his sole and absolute discretion Trustee (a) may, but is not required to, extend the
11 escrow closing period by written instructions to escrow, so as to allow the sale to the Winning
12 Bidder to close, and/or (b) may instruct escrow to return the Earnest Money Deposit to the payor.

13 Trustee also requests approval of an alternate bidder as a backup bidder should the
14 Winning Bidder (whether original Buyer Biernat or an overbidder) fail to close the sale escrow
15 within the applicable period above.

16 Trustee believes these overbid procedures are reasonable and appropriate for purposes of
17 achieving the Estate’s goals of maximizing the net proceeds of the sale, and should be approved
18 by the Court at the Sale Hearing in conjunction with approval of the sale.

19 **PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Bankruptcy Rule 9013-
20 1(f), if you wish to oppose the Sale Motion, you must both file a written response with the
21 Bankruptcy Court and serve a copy of it upon the Trustee and Trustee’s counsel at the addresses
22 set forth in the upper left hand corner of the face page of this document and in the attached proof
23 of service, no less than fourteen (14) days prior to the above hearing date. Pursuant to Local
24 Bankruptcy Rule 9013-1(h), the failure to timely file and serve an opposition to the Sale Motion
25 may be deemed by the Court to be consent to the relief requested in the Sale Motion. A copy of
26 the Sale Motion may be viewed at the Bankruptcy Clerk’s office located at 255 E. Temple Street,

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1 9th Floor, Los Angeles, CA 90012. A copy may also be obtained by contacting the undersigned as
2 indicated on the top left hand corner of the face page of this notice.
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4 DATED: May 3, 2018

CACERES & SHAMASH, LLP

5 By: /s/ Joseph E. Caceres
6 Joseph E. Caceres, Esq.
7 Charles Shamash, Esq.
8 General Counsel for Wesley H. Avery,
9 Chapter 7 Trustee
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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:
8200 Wilshire Blvd., Suite 400, Beverly Hills, CA 90211

The foregoing documents 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 05/03/18 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 stated below:

- Wesley H Avery (TR) wes@averytrustee.com, C117@ecfbis.com; lucy@averytrustee.com; alexandria@averytrustee.com
- Joseph Caceres jec@locs.com, generalbox@locs.com
- James Hogan customer.service.bk@americredit.com
- Kenneth G Lau kenneth.g.lau@usdoj.gov
- Yvonne Ramirez-Browning BANKRUPTCYCLS@wellsfargo.com
- Charles Shamash cs@locs.com, generalbox@locs.com
- Michael R Totaro Ocbkatty@aol.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
- Mandy D Youngblood csbk@gmfinancial.com

☐ Service information continued on attached page

II. **SERVED BY UNITED STATES MAIL:** On (date) 05/03/18, 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.

Bankruptcy Judge:

The Honorable Sheri Bluebond, U.S. Bankruptcy Judge
U.S. Bankruptcy Court, Roybal Federal Building
255 E. Temple Street, Suite 1534
Los Angeles, CA 90012

Co-Owner:

Ricardo Valle
1237 Hockney Court
Palmdale, CA 93550

Bankruptcy Attorney for Co-Owner:

David Lozano, Esq.
Law Office of David Lozano
1900 W. Garvey Ave. S., Suite 240
West Covina, CA 91790
Also via email: lawoffices@dlbklaw.com

Former Ch.7 Trustee for Co-Owner:

Jason M Rund
Sheridan & Rund
840 Apollo Street, Suite 351
El Segundo, CA 90245
Also via email: jrund@srlawyers.com

All on attached list served via U.S. mail with the exception of anyone on NEF list above

☒ 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 _____ 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 personal delivery on 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.

05/03/18

Date

Joseph E. Caceres

Type Name

/s/ Joseph E. Caceres

Signature

Label Matrix for local noticing
0973-2

Case 2:15-bk-20999-BB

Central District of California

Los Angeles

Thu May 3 11:24:20 PDT 2018

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

Americredit Financial Services, Inc. dba CM
P O Box 183853

Arlington, TX 76096-3853

American Express
P.O. Box 981537
El Paso, TX 79998-1537

Wells Fargo Bank, National Association
Office of the General Counsel
Wells Fargo & Company
Yvonne Ramirez-Browning
21680 Gateway Center Dr, Ste 280
Diamond Bar, CA 91765-2456

American Express Bank, FSB
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Capital One Bank, NA
P.O. Box 30281
Salt Lake City, UT 84130-0281

Citibank/ Shell, NA
P.O. Box 6241
Sioux Falls, SD 57117-6241

(p)DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

Equiant Financial Services
5401 N. Fima Rd. #150
Scottsdale, AZ 85250

General Motors Acceptance
PO Box 183834
Arlington TX 76096-3834

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

J.P. Morgan Chase, NA
P.O. Box 15298
Wilmington, DE 19850-5298

Jason Rund
840 Apollo St. #351
El Segundo, CA 90245-4762

Kohls/Capone
P.O. Box 3115
Milwaukee, WI 53201-3115

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

Magnum Plumbing, Inc.
16654 Soledad Canyon Rd. #389
Canyon Country, CA 91387-3217

Meridian Financial
1636 Hendersonville Rd no. 135
Asheville NC 28803-3057

Meridian Financial
1636 Hendersonville Rd. #135
Asheville, NC 28803-3057

Office of the United States Trustee
915 Wilshire Blvd. 18th Fl
Los Angeles, CA 90017-3409

Preferred Phone
16830 Ventura Blve. #350
Encino, CA 91436-1716

Ricardo Valle
1237 Hockney Ct.
Palmdale, CA 93550-6826

Thomas John Bishop
38316 Fuschia Ln
Palmdale, CA 93552-2005

Totaro & Shanahan
P.O. Box 789
Pacific Palisades, CA 90272-0789

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

Wells Fargo Bank, NA
Office of General Counsel
21680 Gateway Center Dr. #280
Diamond Bar, CA 91765-2456

Wells Fargo Bank, NA
P.O. Box 14517
Des Moines, IA 50306-3517

Wells Fargo Bank, National Association
P.O. Box 6148
El Monte, CA 91734-2148

Michael R Totaro
Totaro & Shanahan
POB 789
Pacific Palisades, CA 90272-0789

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).

Discover Financial Services, LLC
P.O. Box 15316
Wilmington, DE 19850

Internal Revenue Service
300 North Los Angeles Street M/s 5022
Los Angeles CA 90012

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

(u)Caceres & Shamash LLP

(u)Coldwell Banker Commercial, a Hartwig Comp

(u)Courtesy NEF

(u)South Hawaii Realty LLC

(d)AmeriCredit Financial Services, Inc. dba G
P O Box 183853
Arlington, TX 76096-3853

(d)Ricardo Valle
1237 Hockney Ct.
Palmdale, CA 93550-6826

(d)Thomas John Bishop
38316 Fuschia LN
Palmdale, CA 93552-2005

End of Label Matrix
Mailable recipients 30
Bypassed recipients 7
Total 37