

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

FOR COURT USE ONLY

☐ Individual appearing without attorney
☒ Attorney for: Debtor and Debtor-in-Possession

In re:

CASE NO.: 2:17-bk-16360-ER

CHAPTER: 11

Debtor(s).

Sale Date: 06/07/2018

Time: 10:00 am

Location: 255 E. Temple Street, Suite 1560, Ctrm 1568, Los Angeles, Ca 90012

Last date to file objections: 05/30/2018

Terms and conditions of sale: \$1,175,000.00

This is an All Cash Buyer. Buyer will close escrow following the entry of the Court approving the sale.

Proposed sale price: \$ 1,175,000.00

Overbid procedure (if any): See Attached Proposed Overbid Procedures.

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

Property to be sold free and clear of liens.

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

Onyinye N. Anyama
18000 Studebaker Road, Suite 325,
Cerritos, CA 90703
Tel: 562.645.4500; Fax: 562.318.3669
email: info@anyamalaw.com

Date: 05/03/2018

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:

18000 Studebaker Road, Suite 325, Cerritos, CA 90703

A true and correct copy of the foregoing document entitled: **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 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) 05/03/2018, 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:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (date) 05/03/2018, 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.

Judge's Copy-Hon. Ernest Robles-255 E. Temple Street, Suite 1560 / Courtroom 1568
Los Angeles, CA 90012

☐ 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) _____, 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.

05/03/2018 Elizabeth Cruz
Date Printed Name

/s/Elizabeth Cruz
Signature

2:17-bk-16360-ER Notice will be electronically mailed to:

Onyinye N Anyama on behalf of Debtor Michael McNulty
onyi@anyamalaw.com, anyamainfo@gmail.com;info_anyama@ecf.courtdrive.com

Oscar Estrada on behalf of Creditor LOS ANGELES COUNTY TREASURER AND TAX
COLLECTOR
oestrada@ttc.lacounty.gov

Dare Law on behalf of U.S. Trustee United States Trustee (LA)
dare.law@usdoj.gov, Kenneth.g.lau@usdoj.gov, Alvin.mar@usdoj.gov, ron.maroko@usdoj.gov

Najah J Shariff on behalf of Creditor UNITED STATES OF AMERICA on behalf of the
INTERNAL REVENUE SERVICE
najah.shariff@usdoj.gov, USACAC.criminal@usdoj.gov

Valerie Smith on behalf of Interested Party Courtesy NEF
claims@recoverycorp.com

United States Trustee (LA)
ustpreion16.la.ecf@usdoj.gov

Bethany Wojtanowicz on behalf of Creditor Specialized Loan Servicing LLC as servicing agent
for Structured Asset Mortgage Investments II Inc., Bear Stearns ARM Trust, Mortgage Pass-
Through Certificates, Series 2004-10, U.S. Bank National Asso
bethanyw@w-legal.com, BNC@w-legal.com

Hatty K Yip on behalf of U.S. Trustee United States Trustee (LA)
hatty.yip@usdoj.gov

Debtor:

Michael McNulty
1107 E. Acacia Avenue
El Segundo CA 90245

United States Department of Justice
Ben Franklin Station
P.O Box 683
Washington, DC 20044

Debtor's Attorney:

Onyinye N. Anyama
18000 Studebaker Road,
Suite 325
Cerritos, CA 90703

U.S. Securities and Exchange Commission

Attn: Bankruptcy Counsel
444 South Flower Street, Suite 900
Los Angeles, CA 90071

Attorney for Trustee:

Hatty K Yip
Office of the United States Trustee
915 Wilshire Boulevard, Suite 1850
Los Angeles, CA 90071

Twenty Largest Unsecured Creditors

(Note this category also contains all general unsecured creditors)

American Capital Enterprises
Attn: Collections
PO Box 893580
Temecula, CA 92589

Secured Creditors

(via priority/certified mail)

Attorney for Specialized Loan Servicing
Weinstein & Riley, P.S.
Bethany Wojtanowicz,
2001 Western Ave., Ste. 400
Seattle, WA 98121

Atlas Acquisitions LLC Assignee of GE MONEY
BANK
Atlas Acquisitions LLC
294 Union St
Hackensack, NJ 07601

Specialized Loan Servicing
Attn: Bankruptcy Department
500 Summit Lake Dr, Suite 400
Valhalla, NY 10595

Calvary Portfolio Services
Attn: Bankruptcy Dept
500 Summit Lake Dr, Suite 400
Valhalla, NY 10595

The Mortgage Law Firm)
41689 Enterprise Circle North, #228
Temecula, CA 92590

CBA Collection Bureau
Po Box 5013
Hayward, CA 94540

Eileen M. Decker United States Attorney
Thomas D. Coker Assistant United States Attorney
Chief, Tax Division
Najah J. Shariff (Cal. Bar No. 201216) Assistant
United States Attorney Federal Building, Suite 7211
300 North Los Angeles Street
Los Angeles, California 90012

Chase Card
Po Box 15298
Wilmington, DE 19850-5298

Cmre Financial Services Inc
3075 E Imperial Hwy Ste 200
Brea, CA 92821-6753

Franchise Tax Board
Bankruptcy Section, MS: A-340
P.O. Box 2952
Sacramento, CA 95812

Enhanced Recovery Corp
Attention: Client Services
8014 Bayberry Rd
Jacksonville, FL 32256-7412

Internal Revenue Service

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101

Tec Co Systems Inc
18034 Ventura Blvd # 210
Encino, CA 91316-3516

United States Attorney's Office
Federal Building, Room 7516
300 North Los Angeles Street
Los Angeles, CA 90012

Untd Rtrivl
P.o. Box 641
Pasadena, CA 91102-0641

EXHIBIT "A"

PROPOSED OVERBID PROCEDURES

In order to obtain the highest and best offer for the benefit of the creditors in the Estate, Debtor proposes the Buyers offer be subject to overbid. Notice is being provided of the opportunity for overbidding to all interested parties in this matter and required Local Rule Form 6004-2 is being filed with the clerk.

Debtor requests that the Court approve the following overbid procedures:

- a. Only qualified bidders may submit an overbid. A "qualified bidder" is one who provides evidence of available funds and/or prequalification for any loan upon which the bidder will rely in funding the bid, a financial statement, and such business and banking references as are required in Debtor's reasonable discretion sufficient to assure Debtor of the bidder's ability (based upon availability of financing, experience or other conditions) to consummate the purchase of the Rental property on the same terms and conditions, other than price, as those proposed in the purchase agreement.
- b. Each bid must be all Cash to the Estate, non-contingent, and upon the same terms and conditions, other than the price, as those proposed in the purchase agreement. Overbids will be evaluated based upon a base-line offer of \$1,175,000, assuming a full commission of 6%.
- c. All Interested bidders must contact Debtor's counsel no later than 7 days prior to the hearing scheduled for this motion and provide proof of funds and/or loan qualification to allow Debtor sufficient time to confirm that proof. Debtor's counsel's contact information is set forth on page 1 of this Motion.
- d. The initial minimum overbid must be at least \$10,000 over the line offer of \$1,175,000 or \$1,185,000. Subsequent bidding increments shall be \$1,000.00, or such increments as the court may establish.

- e. A qualified bidder must agree to pay into escrow, in addition to the purchase price, and amount up to \$1,500 for the reimbursement of the actual case-related expenses of Buyer (including inspection and appraisal fees), pursuant to an appropriate demand and subject to Debtor's review and approval prior to distribution.
- f. A qualified bidder must be prepared to make an "earnest money" deposit of \$35,000 before confirmation of the sale by the court. Debtor will not request confirmation of any bid without the deposit. Such payment to be by way of prior wire transfer to Debtor's Counsel's Trust Account or tender of a cashier's check to Debtor's Counsel no later than the commencement of bidding.
- g. A qualified bidder must be prepared to close escrow within ten (10) court days following the hearing on the Motion, with the remaining sales proceeds transferred to escrow in time to confirm the funds before closing. All funds must be wire-transferred by arrangement with Debtor's counsel.

Appearance at the hearing may be in person or by telephone. The court's telephonic appearance procedures are attached hereto as Exhibit "A".

The foregoing procedures will provide for an orderly completion of the sale of the Rental Property by permitting all buyers to compete on similar terms and will allow interested parties and the Court to compare competing bids in order to realize the highest and best benefit for the Estate.

INSTRUCTIONS FOR TELEPHONIC APPEARANCES

For Judge Ernest Robles
United States Bankruptcy Court, Los Angeles Division

Telephone appearances will be arranged through *Court Call, LLC*TM. Court Call is an independent conference call company that arranges conference calls nationally for Courts.

It is counsel's responsibility to schedule their telephonic appearance at least 5 Court days prior to the hearing date by contacting CourtCall @ 866-582-6878 or via internet by registering at www.courtcall.com.

Participants automatically scheduled by the Court for the monthly adversary status conference or pre-trial conference calendar will receive a call from a CourtCall Representative to confirm their telephonic appearance prior to the date of their hearing.

Written Confirmation will be provided for each separate CourtCall Appearance. If you have not received a written Confirmation, prior to the hearing date, please contact CourtCall immediately or you may be precluded from the telephonic calendar.

It is the participant's responsibility to dial into to their conference by using the 800 number provided by CourtCall. The CourtCall Operator will not dial out to connect a participant.

Payment: CourtCall accepts 2 forms of payment:

- 1) Credit or Debit Card
- 2) CourtCall Debit Account

*****Please contact CourtCall for more detailed information, not the Court.**

Do not argue with Court Call or request special treatment. Court Call's function is no more than to offer you the opportunity to appear by telephone. Your election to appear by telephone constitutes your agreement for telephonic appearances.

At the time of the hearing, you will initially be placed in "Listen-only" mode and able to hear all proceedings just as if you were in the courtroom. Your line will be placed "Live" once the Judge calls your case. Each time a participant speaks to the Court, he or she must identify themselves for the record. When the Judge informs the participants that the hearing is completed, the participants may disconnect and the next case will be called. Please remain on line if you are appearing on multiple cases on the same calendar.

Telephonic appearances are connected directly with the courtroom's public address system and electronic recording equipment so that a normal record is produced. To ensure a quality record, the use of car phones, public telephone booths, or phones in other public places is **prohibited** except in the most extreme emergencies. Participants should be able to hear all parties without difficulty or echo. The system also allows more than one speaker to be heard so that the Judge can interrupt a speaker to ask a question or redirect the discussion.

Telephonic appearances by multiple participants are only possible when there is compliance with every procedural requirement. Sanctions may be imposed when there is any deviation from the required procedures or the Court determines that a person's conduct makes telephonic appearances inappropriate. Sanctions may include dropping a matter from calendar, continuing the hearing, proceeding in the absence of an unavailable participant, a monetary sanction, or a permanent prohibition against a person appearing telephonically.