

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

☐ Individual appearing without attorney
☒ Attorney for: Jerry Namba, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - NORTHERN DIVISION

In re:

CASE NO.: 9:23-bk-11019-RC

CHAPTER: 7

NOTICE OF SALE OF ESTATE PROPERTY

Debtor(s).

Sale Date: February 17, 2024

Time: Bidding closing starts at 7 p.m.

Location: Online - www.777auctions.net

Last date to file objections: 02/02/2024

Terms and conditions of sale: The sale is "as-is" "where-is" free and clear of liens, encumbrances, claims and interests, and without any representations or warranties. See attached notice for further information regarding terms of sale.

Proposed sale price: See attached Notice

Overbid procedure (if any): The sale will be conducted by public auction

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

See attached notice

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

See attached notice

Date: 01/11/2024

Notice

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Attorneys for Jerry Namba, Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
NORTHERN DIVISION**

In re

BOTTELSEN AMERICAN DART
LINES, INC.,

Debtor.

Case No. 9:23-bk-11019-RC

Chapter: 7

**NOTICE OF CHAPTER 7 TRUSTEE'S
MOTION FOR ORDER AUTHORIZING: (1)
EMPLOYMENT OF LIQUIDATION
SOLUTIONS, LLC dba 777 AUCTION CO.
PURSUANT TO 11 U.S.C. §§ 327 AND 328(a)
AS AUCTIONEER; (2) SALE OF PERSONAL
PROPERTY FREE AND CLEAR OF LIENS
AND INTERESTS PURSUANT TO 11 U.S.C.
§§ 363(b) AND (f); AND (3) PAYMENT OF
FEES AND REIMBURSEMENT OF COSTS
OF AUCTIONEER**

[No Hearing Required L.B.R. 9013-1(o)]

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that Jerry Namba, the Chapter 7 Trustee (the "Trustee") for the bankruptcy estate (the "Estate") of Bottelsen American Dart Lines, Inc. (the "Debtor"), has brought a motion for an order authorizing: (1) the Trustee's employment of Liquidation Solutions, LLC dba 777 Auction Company (the "Auctioneer") pursuant to 11 U.S.C. §§ 327 and 328(a); (2) sale of personal property free and clear of liens, claims, and interests pursuant to 11 U.S.C. §§ 363(b) and (f) at public auction; and (3) payment of fees and reimbursement of costs to Auctioneer (the "Motion").

The Motion seeks authority to employ the Auctioneer to sell certain machinery, equipment, and inventory of the Estate, itemized in the table attached hereto as **Exhibit 1** (the "Assets").

The Auctioneer estimates that the Assets have a gross auction value of 52,250. The Trustee also requests that the Court order that the sale will be free and clear of all

1 liens, claims, and interests, if any. If the Motion is approved, the Auctioneer will: (a)
2 market the Assets at its business premises located at 3850 El Camino Real, Atascadero,
3 CA 93422 ("Auctioneer's Site"), through print advertisement channels (i.e. newspapers,
4 magazines) and through the Auctioneer's website (www.777auctions.net) commencing
5 on the date of the filing of this Motion; (b) conduct an auction of the Assets online on a
6 date to be determined (with all items cataloged and posted on the website prior to the
7 auction date, and available for physical inspection at the Auctioneer's Site); and (c)
8 conduct subsequent auctions of any remaining Assets.

9 The estimated gross value of the Assets is \$52,250. The Trustee conducted a
10 search of the California Secretary of State's records for any recorded liens on the
11 Assets. The lien search returned one recorded UCC-1 Financing Statement filed on
12 March 25, 2019 for secured party JPMorgan Chase Bank, N.A. ("Chase"), with a
13 continuation of such lien filed on October 5, 2023. The Debtor did not schedule Chase
14 as a creditor, either secured or unsecured. The Trustee contacted the Debtor's counsel
15 and has been informed that the Chase lien is associated with a revolving line-of-credit
16 the Debtor had with Chase which has been fully paid down, and that there is no
17 outstanding balance owed to Chase.

18 A summary of the sale terms and conditions follows:

19 **(A) Date, Time, and Place of Auction:** The Auctioneer will sell the Assets
20 through a no reserve online auction conducted through the Auctioneer's website
21 www.777auctions.net on **February 17, 2024**. (the "Auction"). The Assets will be sold to
22 registered bidders online. Bidders may register in advance through the Auctioneer's
23 website.

24 The Auctioneer will have a preview on Friday, February 16, 2024 at the auction
25 site located at 3850 El Camino Real, Atascadero, California 93422 (the "Auction Site")
26 from 9am-12pm and from 1-4pm The Auctioneer will also provide additional pictures
27 and/or video footage of an item upon request via phone to: (805) 446-7296. Any
28 Questions regarding the bidding should be directed to the Auctioneer who can be
reached at (805) 446-7296.

(B) Name and Address of Proposed Buyer: Information regarding buyers
will be disclosed after the close of sales.

(C) Description of Property to Be Sold: An itemized listing of the Assets to
be sold at the Auction is attached hereto as **Exhibit 1**.

(D) Terms and Conditions of the Proposed Sale:

Purchase Price: The sale will be conducted through a no reserve online
auction.

Condition of Property: The Assets are being sold as-is, where-is, without
representation or warranties, free and clear of any and all liens, encumbrances, claims,
and interests pursuant to 11 U.S.C. §§ 363(b) and (f).

(E) Liens: The Trustee conducted a search of the California Secretary of
State's records for any recorded liens on the Assets. The lien search returned one
recorded UCC-1 Financing Statement filed on March 25, 2019 for secured party
JPMorgan Chase Bank, N.A. ("Chase"), with a continuation of such lien filed on October
5, 2023. The Debtor did not schedule Chase as a creditor, either secured or unsecured.
The Trustee contacted the Debtor's counsel and has been informed that the Chase lien
is associated with a revolving line-of-credit the Debtor had with Chase which has been
fully paid down, and that there is no outstanding balance owed to Chase.

1
2 **(F) Overbid Procedures:** Sale will be conducted by the Auctioneer at public
auction.

3 **(G) Consideration:** Sale will be no reserve.

4 **(H) Commissions:** The Trustee seeks to employ the Auctioneer to sell the
5 Vehicles and Equipment pursuant to 11 U.S.C. § 328(a) with the following terms and
conditions:

6 (a) The Auctioneer shall be compensated by charging a commission fee (the
"Commission Rate"), as listed below:

7

Gross Sales Price	Commission Rate
\$0.00 -\$24.99	45%
\$25.00-\$99.00	35%
\$100.00-\$999.99	25%
\$1,000.00-\$1,999.99	20%
\$2,000.00 and above	10%

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13 (b) The Auctioneer will charge a buyer's premium of 15% of the gross sales
price to all items sold (the "Buyer's Premium").¹ All applicable taxes will be
14 assessed based on the sum of the gross sales price and Buyer's Premium.

15 (c) The Auctioneer shall be reimbursed from the proceeds of the sale for the
following expenses:

- 16 a. Costs associated with transporting the Assets to the Auction Site of
\$14,950 (the "Moving Costs").
17 b. The Auctioneer shall be reimbursed for the cost of the Individual
Bond premium of \$488.00 ("Bond Reimbursement"), with any refund
of such premium being returned to the Estate.

18 Together, this shall constitute full payment of the Auctioneer's fees and expenses
19 in connection with the sale of the Assets, including storage and advertising expenses.

20 **(I) Tax Consequences:** The Trustee's tax professionals have confirmed that
any income tax liability associated with the sale of the Assets will be passed through to
21 the shareholders as the Debtor is organized as a Subchapter S Corporation; and no tax
liability will be due at the corporate level.

22 **(J) Deadline for Objection:** Pursuant to LBR 9013-1(o), any party objecting to
23 the motion may request a hearing on the motion. The deadline for filing and serving a
written opposition and request for a hearing is **14 days** after the date of service of this
24 notice, plus 3 additional days if you were served by mail pursuant to F.R.Civ.P.
5(b)(2)(D), or (F).

25
26 ¹ This fee is paid by the buyers not the Estate and is designed to cover certain out-of-
pocket expenses for additional services which include, but are not limited to, performing
27 lien searches, due diligence on titled and non-titled units to clear title by obtaining
appropriate signatures of creditors and/or private equity holders to ensure a seamless
28 transaction' expenses for online bidding; credit card fees, and customer service
expenses, assistance with offloading and transportation.

1 **PLEASE TAKE FURTHER NOTICE** that any person who wishes to receive a
2 copy of the Motion can do so by contacting counsel for the Trustee at the address listed
in the upper left-hand corner of the first page of this Notice.

3 **PLEASE TAKE FURTHER NOTICE** that the Motion requests that the 14-day stay
4 prescribed by Rule 6004(h) of the Federal Rules of Bankruptcy Procedure be waived.

5 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule
6 9013-1(h), failure to file and serve a timely response may be deemed consent to the
relief requested in the Motion.

7 DATED: January 11, 2024

MARGULIES FAITH, LLP

8 By: /s/ Jeremy W. Faith
9 Jeremy W. Faith
Attorneys for Jerry Namba,
Chapter 7 Trustee

Exhibit 1



777 Auction Company

3850 El Camino Real
Atascadero, CA 93422
(805) 466-7296

Bottelsen American Dart Lines Inventory

Specialty Powder Gun & Spray Unit w/ Powder Colors
Vulcan Double Full Size Electric Convection Oven
Audian Titan 6500 Automatic Roll Bag
Allis Chalmers Propane Forklift
Workbench with 2 Bench Grinders & 1 Drill Sharpener
Workbench with Quantity of Burring Attachments
Kombi-Schliff Double Combination Cut Tool Grinding Machine
Clausing Milling Machine
ActionPac Scale
Blue M ¼ hp Industrial Electric Oven
Ramco Horizontal Drilling Machine
Lin Huan Machinery Drilling Machine
Traub Lathe
Lin Huan Machinery Drilling Machine
Enco Turret Lathe

Visual Thermoforming Blister Packing Machine

(2) C&M Topline Rotary Tumblers

Waterbury Farrel No. 20 Threader

Victor 2 hp Lathe

Tornos MOutier M7 Screw Machine

Jet Belt Drive Lathe

Specialty Grinder

Custom Dart Board Wheel

Qty. of Misc. Electronics & Office Supplies

Jet Bench Arbor Press

Central Machinery 8" Drill Press with Keyed Chuck

Central Machinery Drill Press

(28) Rolling Racks

Paint Filter Station

(6) Lathes

(2) Disc Sanders

Dolly

Misc. Complete Darts

Misc. Dart Parts

Shop Vac

Misc. Tools

(5) Rolling Utility Carts

(4) Rolling Toolboxes

Qty. of Tubs

(11) Workbenches

Parts Washer

(2) Shelves

Shop Press

(2) Heavy Duty Air Compressors

(4) Heavy Duty Drill Presses

(2) Electric Motors

(2) Cabinets

Compressed Air Dryer

Pallet Jack

Misc. Dart Making Tools/Parts

(2) Scales

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:
16030 Ventura Blvd., Suite 470, Encino, CA 91436

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)* 01/17/2024, 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)* 01/17/2024, 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: Hon. Ronald A. Clifford, III, U.S. Bankruptcy Court, 1415 State Street, Suite 233 Santa Barbara, CA 93101

☐ 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.

01/17/2024
Date

Helen Cardoza
Printed Name

/s/ Helen Cardoza
Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

ATTORNEY FOR TRUSTEE: Jeremy Faith Jeremy@MarguliesFaithlaw.com, Helen@MarguliesFaithlaw.com;
Angela@MarguliesFaithlaw.com; Vicky@MarguliesFaithlaw.com

TRUSTEE: Jerry Namba (TR) jnambalaw@yahoo.com, jn01@trustesolutions.net; lgrahl@fsscommerce.com;
jnambaepiq@earthlink.net

ATTORNEY FOR DEBTOR: Leslie A Tos Ltos@farmerandready.com, smeyer@farmerandready.com

United States Trustee (ND) ustpregion16.nd.ecf@usdoj.gov