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Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address	FOR COURT USE ONLY			
MEGHANN TRIPLETT (SBN 268005)				
MARGULIES FAITH, LLP 16030 Ventura Blvd., Suite 470				
Encino California 91436				
Telephone: (818) 705-2777				
Facsimile: (818) 705-3777				
Email: Meghann@MarguliesFaithLaw.com				
Attorneys for Jeremy W. Faith, Chapter 7 Trustee				
☐ Individual appearing without attorney ☐ Attorney for: Jeremy W. Faith, Chapter 7 Trustee				
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - NORTHERN DIVISION				
In re:	CASE NO.: 9:15-bk-12297-DS			
SHERRY LYN WOODS,	CHAPTER: 7			
	AMENDED			
	NOTICE OF SALE OF ESTATE PROPERTY			
	Amended to notice			
	continued sale date, time and response			
Debtor(s).	deadlines			
Sale Date: OCTOBER 6, 2016	Time: 1:30 p.m.			
Location: 1415 State Street, Courtroom 202, Santa Barba	•			
Location: 1413 State Street, Courtioon 202, Santa Barba	1a, CA 93 10 1			
Type of Sale: X Public Private Last date to file objections: OCTOBER 3, 2016				
Description of property to be sold:				
The bankruptcy estate's right, title and interest in the residential real property commonly known as 482 Whidbey #14,				
Morro Bay, CA 93442; APN 065-045-032 (the "Property").				

#### Terms and conditions of sale:

The Trustee has accepted an offer to sell the Property to Peter Demaio (the "Purchaser") pursuant to the terms of the Counter-Offer, Escrow Amendment, and Contingency Removal Agreement (collectively, the 'Agreement"). Sale of the Property is "as-is," "where-is," "with all faults," without any representation or warranties of any kind and is subject to overbid at the hearing. Escrow will close no later that the first business day after fourteen calendar days following entry of the order approving the sale of the Property

Proposed sale price: \$305,000.00

#### Overbid procedure (if any):

Any party wishing to bid on the Property ("Overbidder") shall advise the Trustee's bankruptcy counsel (contact information above), in writing, of his or her intent to bid on the Property by no later than 5:00 p.m., Pacific Standard Time, on October 3, 2016 (the "Overbid Deadline"). An overbid will be defined as an initial overbid of \$10,000 above the Purchase Price (i.e. \$315,000), with each additional bid in \$5,000 increments ("Overbid"). In his absolute and sole discretion, the Trustee shall have the right to accept additional overbids submitted prior to the hearing but after the Overbid Deadline.

Any Overbidder (except for the Purchaser) must deliver by 5:00 p.m. on October 3, 2016, a deposit to Meghann Triplett, Trustee's counsel, at the address stated on the first page of this Notice, by way of cashier's check in the amount of \$31,500 for the Property (i.e., 10% of the initial overbid purchase price) made payable to "Jeremy W. Faith, Chapter 7 Trustee," (the "Deposit").

In order to participate in the bidding, any Overbidder must provide to the Trustee information sufficient to demonstrate to the reasonable satisfaction of the Trustee in his sole discretion that that the proposed overbidder has the financial ability to pay the full amount of the Overbid (e.g. pre-approved loan based on the buyer's written application and credit report, or have cash, and evidence of the same) so that such evidence is received by the Trustee's counsel by no later the Overbid Deadline. In the event a proposed bidder (including, but not limited to, the Purchaser) submits a higher bid at the hearing, sufficient evidence of that party's ability to pay the full amount of the higher bid must be provided to the Trustee at the hearing.

In the event the Trustee receives multiple Overbids in the same amount, the Trustee will accept the Overbids in the order they are received such that only the Overbidder submitting such bid first will be deemed to have made a bid in such amount and the other Overbidders will need to increase their bid to be eligible to purchase the Property.

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

Date: October 6, 2016

Time: 1:30 PM

Place: 1415 State Street, Courtroom 202, Santa Barbara, CA 93101

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

Counsel for the Trustee: Meghann Triplett, Esq. of Margulies Faith LLP Telephone: (818) 705-2777

Fax: (818) 705-3777

Email: Meghann@MarguliesFaithLaw.com

Date: 09/23/2016

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# **EXHIBIT A**

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Case 9:15-bk-12297-DS Doc 53 Filed 09/23/16 Entered 09/23/16 12:57:25 Desc Main Document Page 1 of 9 CRAIG G. MARGULIES (SBN 185925) 1 MEGHANN TRIPLETT (SBN 268005) 2 NOREEN A. MADOYAN (SBN 279227) MARGULIES FAITH LLP 3 16030 Ventura Blvd., Suite 470 Encino California 91436 4 Telephone: (818) 705-2777 Facsimile: (818) 705-3777 Email: Meghann@MarguliesFaithLaw.com 5 Email: Noreen@MarguliesFaithLaw.com 6 Attorneys for Jeremy W. Faith, Chapter 7 Trustee 7 8 UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA** 9 NORTHERN DIVISION 10 Case No.: 9:15-bk-12297-DS In re 11 SHERRY LYN WOODS, Chapter: 7 12 Debtor. 13 AMENDED: NOTICE OF CONTINUED **HEARING AND RESPONSE DEADLINES** 14 **RE: CHAPTER 7 TRUSTEE'S MOTION** FOR ENTRY OF AN ORDER: (1) 15 AUTHORIZING THE SALE OF REAL PROPERTY FREE AND CLEAR OF LIENS 16 AND INTERESTS; (2) APPROVING **OVERBIDDING PROCEDURE: (3)** 17 **AUTHORIZING PAYMENT OF REAL ESTATE BROKERS' COMMISSION AND** 18 ORDINARY COSTS OF SALE; AND (4) FINDING PURCHASER IS A GOOD FAITH 19 **PURCHASER** 20 Date: October 6, 2016 21 Time: 1:30 p.m. Place: Courtroom 202 22 United State Bankruptcy Court 1415 State Street 23 Santa Barbara, California 93101 24 25 26 27 28

# TO ALL INTERESTED PARTIES, PLEASE TAKE NOTICE:

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On September 22, 2016, a hearing on the motion of Jeremy W. Faith, solely in his capacity as Chapter 7 trustee (the "Trustee") for the bankruptcy estate of Sherry Lyn Woods (the "Debtor") for an order: (1) authorizing the Trustee to sell the estate's right, title, and interest in the residential real property commonly known as 482 Whidbey #14, Morro Bay, CA 93442; APN 065-045-032 (the "Property") free and clear of all liens, claims, interests and encumbrances pursuant to 11 U.S.C. § 363(f); (2) approving the overbid procedure set forth in this motion; (3) approving the payment of undisputed liens, the real estate brokers' commission, and ordinary costs of sale directly from escrow; and (4) finding that the purchaser is a good faith purchaser within the meaning of 11 U.S.C. § 363(m) (the "Motion"), was held before the above-referenced court.

Due to issues with service of the prior notice of the Motion, the Court has continued the hearing on the Motion to October 6, 2016, at 1:30 p.m. and set the following deadlines for the filing of any opposition to the Motion:

- (A) New Date, Time, and Place of Hearing on the Proposed Sale: October 6, 2016 at 1:30 p.m., in Courtroom 202, of the United States Bankruptcy Court located at 1415 State Street, Santa Barbara, California 93101.
- (B) Name and Address of Proposed Buyer: The proposed Purchaser may be contacted through his agent Jeffrey T. Blanchard at Franklin Real Estate & Rentals, 289 South Ocean Ave., Cayucos, CA 93430, Phone: (805) 955-1859.
- (C) Description of Property to Be Sold: The residential real property commonly known as 482 Whidbey #14, Morro Bay, CA 93442; APN 065-045-032.
  - (D) Terms and Conditions of the Proposed Sale
  - Purchase Price: \$305,000, subject to overbid at the hearing on the Motion;
- Condition of Property: The Trustee is providing marketable title to the Property. The sale is otherwise "as-is," "where-is," "with all faults," and without any representations or warranties of any kind and is not subject to any contingencies; and

Broker's Commissions: Six percent (6%).

**(E)** Liens: The Preliminary Title Report (See Exhibit 2 to the Motion)

indicates that the following liens have been recorded against the Property:

Lienholder	Nature and Amount of Lien
Property Taxes	The general and special taxes and assessments for the fiscal year 2016-2017, a lien not yet due or payable. The Trustee will seek to pay any pro-rata amount due and owing for 2016 to the extent available.
Bank of America, N.A., Successor by Merger to BAC Home Loan Servicing, LP fka Countrywide Home Loans Servicing LP ("Bank of America")	First Deed of Trust recorded on January 19, 2006 as Instrument No. 2006-004183 of Official Records. The Trustee is informed that an obligation of approximately \$171,906.84 is owed, secured by this deed, as reflected in the Payoff Demand attached as <b>Exhibit 3</b> to the Motion. <sup>1</sup>
State of California	A first tax lien (Item No. 8) evidenced by a certificate issued by the Franchise Tax Board, recorded January 25, 2014 as Instrument No. 2012-004358 of Official Records in the amount of \$2,385.00.
	A second tax lien (Item No. 9) evidenced by a certificate issued by the Franchise Tax Board, recorded May 1, 2015 as Instrument No. 2015-020742 of Official Records in the amount of \$4,949.40
	The Trustee is informed that a total obligation (for both Item Nos. 8 and 9) of approximately \$6,692.58 is owed, secured by these liens, as reflected in the Payoff Demand attached as <b>Exhibit 4</b> to the Motion.

The Trustee is not aware of any other liens against the Property.

(F) Overbid Procedures: While the Trustee is prepared to consummate the sale with the Purchaser, he is also interested in obtaining the maximum price for the Property. Therefore, the sale is subject to overbid and the Trustee seeks approval of the following overbid procedures:

# (1) Intent to Bid and Overbid Amount

Any party wishing to bid on the Property ("Overbidder") shall advise the Trustee's

<sup>&</sup>lt;sup>1</sup> The Preliminary Title Report reflects a lien in the amount of \$200,000 as of the 2006 recording date. However, the payoff demand submitted to Bank of America shows an outstanding balance of \$171,906.84. The Trustee is informed that the later amount plus any additional accrued mortgage and interest payment is the current estimated amount owed to Bank of America.

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bankruptcy counsel (contact information above), in writing, of his or her intent to bid on the Property by no later than 5:00 p.m., Pacific Standard Time, on October 3, 2016 (the "Overbid Deadline"). An overbid will be defined as an initial overbid of \$10,000 above the Purchase Price (i.e. \$315,000), with each additional bid in \$5,000 increments ("Overbid"). In his absolute and sole discretion, the Trustee shall have the right to accept additional overbids submitted prior to the hearing but after the Overbid Deadline.<sup>2</sup>

# (2) Payment of Deposit

Any Overbidder (except for the Purchaser) must deliver by 5:00 p.m. on October 3, 2016, a deposit to Meghann Triplett, Trustee's counsel, at the address stated on the first page of this Motion, by way of cashier's check in the amount of \$31,500 for the Property (i.e., 10% of the initial overbid purchase price) made payable to "Jeremy W. Faith, Chapter 7 Trustee," (the "Deposit").

### (3) Evidence of Financial Ability to Perform

In order to participate in the bidding, any Overbidder must provide to the Trustee information sufficient to demonstrate to the reasonable satisfaction of the Trustee in his sole discretion that that the proposed overbidder has the financial ability to pay the full amount of the Overbid (e.g. pre-approved loan based on the buyer's written application and credit report, or have cash, and evidence of the same) so that such evidence is received by the Trustee's counsel by no later the Overbid Deadline. In the event a proposed bidder (including, but not limited to, the Purchaser) submits a higher bid at the hearing, sufficient evidence of that party's ability to pay the full amount of the higher bid must be provided to the Trustee at the hearing.

# (4) Multiple Bids and Auction

In the event the Trustee receives multiple Overbids in the same amount, the Trustee will accept the Overbids in the order they are received such that only the Overbidder submitting such bid first will be deemed to have made a bid in such amount

<sup>&</sup>lt;sup>2</sup> If the Trustee determines at or before the hearing that the bidding procedures should be altered, the Trustee will so apprise the Court at or before the hearing and will request approval of the bidding procedures as revised.

All parties who have submitted timely bids and otherwise satisfied the foregoing requirements will be able to participate in an auction to be conducted at the hearing on the Motion as is necessary in order to increase their bid.

The Trustee requests that the Court approve the sale to the highest bidder at the time of the hearing (the "Winning Bidder"). The Trustee requests that the Court authorize the next highest bidder as a backup bidder (the "Backup Bidder") at the time of the hearing. The Trustee requests that the sale to the Backup Bidder is approved in the event that the Winning Bidder fails to consummate the sale.

### (5) Tender of Balance of Purchase Price

The Winning Bidder's Deposit shall be applied towards the total and final purchase price. The Winning Bidder must close the sale on the same terms and conditions as the Purchaser. To the extent the Winning Bidder fails to timely close the sale, that bidder's entire Deposit shall become non-refundable and be forfeited to the Trustee. To the extent Purchaser or any other Overbidder is not the Winning Bidder that party's Deposit will be refunded by the Trustee. All sales are as-is, where-is, without representations, warranty or recourse.

#### (6) Agreement to Terms and Overbid Procedures

Any Overbidder's tender of the Deposit to the Trustee shall serve as that Overbidder's agreement with this proposed overbid procedure and the terms of the sale of the Property discussed herein.

IN THE EVENT THAT ANY BUYER FAILS TO PERFORM, THE DEPOSIT MADE AT THE TIME OF HEARING WILL BE FORFEITED. ALL SALES ARE AS IS, WHERE IS, WITHOUT REPRESENTATIONS, WARRANTY OR RECOURSE.

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

A true and correct copy of the foregoing document entitled <u>AMENDED: NOTICE OF CONTINUED HEARING AND RESPONSE DEADLINES RE: CHAPTER 7 TRUSTEE'S MOTION FOR ENTRY OF AN ORDER: (1) AUTHORIZING THE SALE OF REAL PROPERTY FREE AND CLEAR OF LIENS AND INTERESTS; (2) APPROVING OVERBIDDING PROCEDURE; (3) AUTHORIZING PAYMENT OF REAL ESTATE BROKERS' COMMISSION AND ORDINARY COSTS OF SALE; AND (4) FINDING PURCHASER IS A GOOD FAITH 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:</u>

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 September 23, 2016, 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 September 23, 2016, 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: Honorable Deborah J. Saltzman, USBC, 255 E. Temple Street, Suite 1334, Los Angeles, CA 90012

DEBTOR: Sherry Lyn Woods, 14750 Morro Road, Atascadero, CA 93422

SECURED CREDITOR: Bank of America, N.A. PO Box 31785, Tampa, FL 33631-3785

SECURED CREDITOR: Bankruptcy Section MS A340, Franchise Tax Board, PO Box 2952, Sacramento, CA 95812-2952

Service information continued on attached page

3. <u>SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL</u> (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on <u>August 16, 2016</u>, 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 <u>will be completed</u> no later than 24 hours after the document is filed.

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Buyer's Broker:

Trustee's Brokers: Coldwell Banker, Agent: Bill Friedman billfried@earthlink.net

Morro Bay Realty, Agent:

Darlene Gage, dgage@morrobayrealty.com Franklin Real Estate & Rentals, Agent:

Jeffrey T. Blanchard, jeff\_blanchard@aol.com

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.

September 23, 2016 Brian Reed /s/Brian Reed

Date Printed Name Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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# ADDITIONAL SERVICE INFORMATION (if needed):

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

Linda S Blonsley blonsleylawecf@gmail.com, joe@blonsleylaw.com

Jeremy W. Faith (TR) Trustee@MarguliesFaithlaw.com,

C118@ecfcbis.com;Helen@MarguliesFaithLaw.com;leedowding@gmail.com;Brian@MarguliesFaithlaw.com

Nina Z Javan njavan@brutzkusgubner.com

William F McDonald Caecf@tblaw.com, wfm@tblaw.com;snchampney@tblaw.com

Meghann A Triplett Meghann@MarguliesFaithlaw.com,

Helen@MarguliesFaithlaw.com;Noreen@MarguliesFaithlaw.com;Victoria@MarguliesFaithlaw.com;Brian@MarguliesFaithlaw.com;Uictoria@MarguliesFaithlaw.com;Brian@MarguliesFaithlaw.com;Uictoria@MarguliesFaithlaw.com;Brian@MarguliesFaithlaw.com;Uictoria@MarguliesFaithlaw.com;Brian@MarguliesFaithlaw.com;Uictoria@Margulie

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

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# ADDITIONAL SERVICE INFORMATION (if needed):

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

Bank of America, N.A. Attn: Bankruptcy Department P.O. Box 5170 Simi Valley, CA 93062-5170 Bank of America 4909 Savarese Circle Tampa, FL 33634-2413 Bank of America PO Box 15019 Wilmington, DE 19886-5019

Bank of America PO Box 301200 Los Angeles, CA 90030-1200

Universal CD CBNA PO Box 6497 Sioux Falls, SD 57117-6497 BANK OF AMERICA PO BOX 982238 EL PASO TX 79998-2238

Candela Woods Construction Inc Attn Employment Development Dept P0 Box 989061 West Sacramento, CA 95798-9061

Central Coast Radiology Associates PO Box 2487 Indianapolis, IN 46206-2487 Citi AT&T iniversal Mastercard PO Box 6284 Sioux Falls, SD 57117-6284

CitiBank Po Box 6004 Sioux Falls, SD 57117-6004 Citicards CBNA 701 E 60th Street N Sioux Falls, SD 57104-0432 FRANCHISE TAX BOARD BANKRUPTCY SECTION MS A340 PO BOX 2952 SACRAMENTO CA 95812-2952

Home Depot PO Box 790328 Saint Louia, MO 63179-0328 Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346 PYOD, LLC its successors and assigns as assi of Citibank, N.A. Resurgent Capital Services PO Box 19008 Greenville, SC 29602-9008

Sierra Vista Regional Medical Ctr P0 Box 830913 Birmingham, AL 35283-0913 The Home Depot CBNA PO Box 6497 Sioux Falls, SD 57117-6497 Tiffany & Bosco, P.A. 1230 Columbia Street, Suite 680 San Diego, CA 92101-8502

# 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 AMENDED NOTICE OF SALE OF ESTATE PROPERTY (AMENDED TO NOTICE CONTINUED SALE DATE, TIME AND RESPONSE DEADLINES) 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 September 23, 2016, 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: Linda S Blonsley blonsleylawecf@gmail.com, joe@blonsleylaw.com Jeremy W. Faith (TR) Trustee@MarguliesFaithlaw.com. C118@ecfcbis.com;Helen@MarguliesFaithLaw.com;leedowding@gmail.com;Brian@MarguliesFaithlaw.com Nina Z Javan njavan@brutzkusgubner.com William F McDonald Caecf@tblaw.com, wfm@tblaw.com;snchampney@tblaw.com Meghann A Triplett Meghann@MarguliesFaithlaw.com, Helen@MarguliesFaithlaw.com;Noreen@MarguliesFaithlaw.com;Victoria@MarguliesFaithlaw.com;Brian@MarguliesFaithlaw.com;Drictoria@ United States Trustee (ND) ustpregion16.nd.ecf@usdoj.gov Service information continued on attached page 2. SERVED BY UNITED STATES MAIL: On September 23, 2016, 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 iudge will be completed no later than 24 hours after the document is filed. JUDGE: Honorable Deborah J. Saltzman, USBC, 255 E. Temple Street, #1334, 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 \_\_\_\_, 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. September 23, 2016 Brian Reed /s/ Brian Reed Date Printed Name Signature