

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

☐ Individual appearing without attorney
☒ Attorney for: Jeremy W. Faith, Chapter 7 Trustee

CASE NO.: 9:16-bk-10490 PC
CHAPTER: 7

NOTICE OF SALE OF ESTATE PROPERTY

Debtor(s).

Sale Date: 11/15/2016

Time: 10:00 am

Location: Courtroom 201, 1415 State Street, Santa Barbara, CA 93101

Last date to file objections: 11/01/2016

Residential real property located at 2025 Lanyard Way, Oxnard, CA 93035

Proposed sale price: \$ 499,000.00

Overbid procedure (*if any*):

See attached Exhibit A

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

November 15, 2016 at 10:00 am in Courtroom 201, 1415 State Street, Santa Barbara, CA 93101

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

ANTHONY A. FRIEDMAN
aaf@lnbyb.com
Levene, Neale, Bender, Yoo & Brill L.L.P.
10250 Constellation Blvd., Suite 1700
Los Angeles, CA 90067
Tele: 310-229-1234
Fax: 310-229-1244

Date: 10/18/2016

EXHIBIT A

1 ANTHONY A. FRIEDMAN (State Bar No. 201955)
aaf@lnbyb.com

2 LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.
3 10250 Constellation Boulevard, Suite 1700
Los Angeles, CA 90067
4 Telephone: (310) 229-1234
Facsimile: (310) 229-1244

5 Attorneys for Jeremy W. Faith, Chapter 7 Trustee

7 **UNITED STATES BANKRUPTCY COURT**

8 **CENTRAL DISTRICT OF CALIFORNIA**

9 **NORTHERN DIVISION**

11 **In re**

12 **DAN DOMINGO and**

13 **MARGIE DOMINGO,**

14 **Debtors.**

Case No. 9:16-bk-10490 PC

Chapter 7

NOTICE OF MOTION FOR ORDER:

(1) **AUTHORIZING SALE OF
ESTATE'S RIGHT, TITLE AND
INTEREST IN REAL PROPERTY
FREE AND CLEAR OF LIENS;**

(2) **APPROVING OVERBID
PROCEDURE;**

(3) **APPROVING PAYMENT OF REAL
ESTATE BROKERS' COMMISSIONS;
AND**

(4) **FINDING PURCHASER IS A GOOD
FAITH PURCHASER**

**[2025 Lanyard Way,
Oxnard, California 93035]**

Date: November 15, 2016

Time: 10:00 a.m.

Place: Courtroom 201

U.S. Bankruptcy Court

1415 State Street

Santa Barbara, CA 93101

1 **TO ALL INTERESTED PARTIES:**

2 **PLEASE TAKE NOTICE** as follows:

3 **(A) Date, Time, and Place of Hearing on the Proposed Sale:** November 15, 2016 at
4 10:00 a.m. in Courtroom 201 of the United States Bankruptcy Court, located 1415 State Street,
5 Santa Barbara, California 93101.

6 **(B) Name and Address of Proposed Buyer:** Alfred Canchola (the "Buyer"), c/o
7 Lorenzo Castillo, Exit Castillo Realty, 418 W. Third Street, Oxnard, California 93030.

8 **(C) Description of Property to Be Sold:** 2025 Lanyard Way, Oxnard, California 93035
9 (the "Property").

10 **(D) Terms and Conditions of the Proposed Sale**

- 11 · Purchase Price: \$499,000 (the "Purchase Price");
- 12 · Condition of Property: Property purchased "as-is"
13 without any representations or warranties of any kind;
14 and
- 15 · Broker's Commissions: six percent (6% - split 3% to
16 Buyer's broker and 3% to Trustee's brokers).

17 **(E) Liens:** The proposed sale is free and clear of the liens, claims and encumbrances of
18 the items set forth in the chart, below. Notwithstanding that the proposed sale is free and clear,
19 certain of the liens, claims and encumbrances will be paid directly from escrow, as described in
20 detail in the Motion by each item number as indicated on the preliminary title report. The
21 preliminary title report obtained from First American Title Company indicates the following
22 liens, claims and encumbrances have been recorded against the Property:

Item No. on Title Report	Lienholder	Nature and Amount of Lien
9	JPMorgan Chase Bank, National Association ("Chase")	Lien recorded in favor of Washington Mutual Bank, N/A. on May 28, 2003 as instrument number 2003-0176351-00 of Official Records and assigned to Chase by assignment recorded on May 20, 2016 as instrument

1		number 20160520-00010225-0 of
2		Official Records. The Trustee is
3		informed that an obligation of
4		approximately \$26,800 (as of
5		March 2016) is secured by this
6		lien.
7	10.	Lien recorded in favor of
8	CalHFA Mortgage Assistance	CalHFA on July 9, 2015 as
9	Corporation ("CalHFA")	instrument number 20150709-
10		00104258-0 of Official Records.
11		The Trustee is informed that an
12		obligation of approximately
13		\$13,400 (as of September 2016
14		based on a submitted payoff
15		demand to escrow) is secured by
16		this lien.

(F) **Overbid Procedures:** (1) any person interested in submitting an overbid on the Property must attend the hearing on the Motion or be represented by an individual with authority to participate in the overbid process; (2) an overbid will be defined as an initial overbid of \$5,000.00 above the Purchase Price, with each additional bid in increments of \$1,000.00; (3) overbidders (except for the Purchasers) must deliver a deposit to the Trustee's counsel by way of cashier's check made payable to "Jeremy W. Faith, Chapter 7 Trustee," in the amount of \$10,000.00 (the "Deposit") and proof of ability to close escrow unconditionally in a form acceptable to the Trustee at least 7 calendar days prior to the hearing on the Motion; (4) overbidders must purchase the Property on the same terms and conditions as the Purchasers; (5) the Deposit of the successful overbidder shall be forfeited if such party is thereafter unable to complete the purchase of the Property within 30 calendar days of entry of an order confirming the sale; and (6) in the event the successful overbidder cannot timely complete the purchase of the Property, the Trustee shall be authorized to proceed with the sale to the next highest overbidder.

(G) **Consideration:** The Purchase Price is \$499,000. The obligations due to Chase and CalHFA are \$26,800 and \$13,400, respectively. Costs of sale are approximately \$39,920. Further, the Debtors have asserted an exemption in the Property in the amount of \$25,575.

1 Accordingly, the Trustee estimates that the proposed sale will generate net proceeds of
2 approximately \$393,305.

3 **(H) Commissions:** The Trustee will request that broker's commissions of six percent
4 (6%) of the gross sale price be allowed and paid directly from escrow to, subject to the Court
5 order approving the Motion, Exit Castillo Realty, the Trustee's real estate brokers, and to the
6 successful purchaser's agent.

7 **(I) Tax Consequences:** Following an analysis conducted by the Trustee and Trustee's
8 accountant, the Trustee anticipates no tax consequence arising from the sale of the Property.

9 **(J) Deadline for Objection:** Pursuant to Local Bankruptcy Rule 9013-1(f), any
10 interested party that wishes to oppose the relief requested in the motion must file not later than
11 14 days prior to the scheduled hearing date, with the Clerk of the Bankruptcy Court, located at
12 1415 State Street, Santa Barbara, California 93101, and serve upon the Office of the United
13 States Trustee and the Trustee's counsel, located at the address indicated on the upper left corner
14 of the first page of this notice, "[a] complete written statement of all reasons in opposition
15 thereto ..., declarations and copies of all photographs and documentary evidence on which the
16 responding party intends to rely and any responding memorandum of points and authorities."

17 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule 9013-
18 1(h), failure to file and serve a timely response may be deemed consent to the relief requested in
19 the Motion.

20 DATED: October 17, 2016

LEVENE, NEALE, BENDER,
YOO & BRILL L.L.P.

21
22 By: /s/ Anthony A. Friedman
ANTHONY A. FRIEDMAN
23 Attorneys for Jeremy W. Faith, Chapter 7 Trustee
24 for the Bankruptcy Estate of Dan Domingo and
25 Margie Domingo
26
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28

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 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled **NOTICE OF MOTION FOR ORDER: (1) AUTHORIZING SALE OF ESTATE'S RIGHT, TITLE AND INTEREST IN REAL PROPERTY FREE AND CLEAR OF LIENS; (2) APPROVING OVERBID PROCEDURE; (3) APPROVING PAYMENT OF REAL ESTATE BROKERS' COMMISSIONS; AND (4) FINDING PURCHASER IS A GOOD FAITH PURCHASER** 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 **October 18, 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:

- Patti H Bass ecf@bass-associates.com
- Jeremy W. Faith (TR) Trustee@MarguliesFaithlaw.com, C118@ecfbis.com;Helen@MarguliesFaithLaw.com;leedowding@gmail.com;Brian@MarguliesFaithlaw.com
- Emmanuel F Fobi efobi@aol.com
- Anthony A Friedman aaf@lnbyb.com
- John Rafferty john.rafferty@buckleymadole.com
- United States Trustee (ND) ustpreion16.nd.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL: On **October 18, 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.

Dan T. Domingo	RSN	Alfred Canchola, Buyer
Margie Sazon Domingo	CAVALRY SPV I, LLC	c/o Lorenzo Castillo
2025 Lanyard Way	Bass & Associates, P.C.	Exit Castillo Realty
Oxnard, CA 93035	3936 E. Ft. Lowell Rd, Ste #200	418 W. Third Street
	Tucson, AZ 85712	Oxnard, CA 93030
Bill Friedman	Lisa Saver	Hon. Peter H. Carroll
Coldwell Banker	Sotheby's International Realty	United States Bankruptcy Court
8840 S. Sepulveda Blvd.	23405 Pacific Coast Highway	1415 State Street, Suite 230
Los Angeles, CA 90045	Malibu, CA 90265	Santa Barbara, CA 93101-2511

☒ 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 **October 18, 2016**, 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.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

	October 18, 2016	Lisa Masse	/s/ Lisa Masse
	<i>Date</i>	<i>Type Name</i>	<i>Signature</i>
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Label Matrix for local noticing
0973-9

Case 9:16-bk-10490-PC
Central District of California
Santa Barbara
Tue Oct 18 12:02:46 PDT 2016

TOYOTA MOTOR CREDIT CORPORATION
14841 Dallas Parkway, Suite 300
Dallas, TX 75254-7883

American Express Centurion Bank
c/o Becket and Lee LLP
PO Box 3001
Malvern PA 19355-0701

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

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

Chase Mtg
P.O. Box 24696
Columbus, OH 43224-0696

DAN T DOMINGO
2025 LANYARD WAY
OXNARD, CA 93035-1216

Feb/frys
280 W 10200 S Ste 200
Sandy, UT 84070-4380

HUNT & HENRIQUES
151 Bernal Rd. Ste. 8
San Jose, CA 95119-1491

PYOD, LLC its successors and assigns as assi
of Citibank, N.A.
Resurgent Capital Services
PO Box 19008
Greenville, SC 29602-9008

Cavalry SPV I, LLC
Bass & Associates, P.C.

3936 E. Ft. Lowell Rd., Ste 200
Tucson, AZ 85712-1083

Northern Division
1415 State Street,
Santa Barbara, CA 93101-2511

Amex
Po Box 297871
Fort Lauderdale, FL 33329-7871

Bleier & Cox
16130 Ventura Blvd, Suite 620
Encino, CA 91436-2568

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Comenity Bank/vctrsssec
Po Box 182789
Columbus, OH 43218-2789

Discover Bank
Discover Products Inc
PO Box 3025
New Albany, OH 43054-3025

Fnb Omaha
P.O. Box 3412
Omaha, NE 68197-0001

MARGIE SAZON DOMINGO
2025 LANYARD WAY
OXNARD, CA 93035-1216

Rshk/cbna
Po Box 6497
Sioux Falls, SD 57117-6497

Grobstein Teeple LLP
Grobstein Teeple LLP

6300 CANOGA AVE
STE 1500W
WOODLAND HILLS, CA 91367-8015

American Express Bank FSB
c/o Becket and Lee LLP
PO Box 3001
Malvern PA 19355-0701

Bk Of Amer
4060 Ogletown/stanton Rd
Newark, DE 19713

CIR LAW OFFICES INTERNATIONAL
8665 Gibbs Dr. Ste. 150
San Diego, CA 92123-1739

Cavalry SPV I,LLC
Bass & Associates, P.C.
3936 E Ft. Lowell Road, Suite # 200
Tucson, AZ 85712-1083

Consumer Protection Legal Center
40 North Central Ave, Suite 1400
Phoenix, AZ 85004-4436

Discover Fin Svcs Llc
Po Box15316
Wilmington, DE 19850-5316

Fobi Law Offices
309 South A Street
Oxnard, Ca 93030-5804

Nordstrom/td
13531 E Caley Ave
Englewood, CO 80111-6505

Sears/cbna
Po Box 6497
Sioux Falls, SD 57117-6497

Synch/home Design Furn
C/o P.O. Box 965036
Orlando, FL 32896-0001

Synch/sams Club Dc
Po Box 965005
Orlando, FL 32896-5005

Synch/samsdc
Po Box 965005
Orlando, FL 32896-5005

Synch/tjx Cos
Po Box 965015
Orlando, FL 32896-5015

Synch/tjx Cos Dc
Po Box 965015
Orlando, FL 32896-5015

Synch/walmart
Po Box 965024
Orlando, FL 32896-5024

Thd/cbna
Po Box 6497
Sioux Falls, SD 57117-6497

(p)TOYOTA MOTOR CREDIT CORPORATION
PO BOX 8026
CEDAR RAPIDS IA 52408-8026

U.S Trustee- Woodland Hills
21051 Warner Center Ln #115
Woodland, Hills, CA 91367-6550

U.S. Bank National Association
Bankruptcy Department
P.O. Box 108
St. Louis, MO 63166-0108

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

(p)US BANK
PO BOX 5229
CINCINNATI OH 45201-5229

Wf Efs
Po Box 84712
Sioux Falls, SD 57118-4712

ZWICKER & ASSOCIATES
199 South Los Robles Ave., Ste 410
Pasadena, CA 91101-2438

Emmanuel F Fobi
Law Offices of Emmanuel F Fobi
309 South A St
Oxnard, CA 93030-5804

Jeremy W. Faith (TR)
16030 Ventura Blvd., Suite 470
Encino, CA 91436-4493

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).

Bk Of Amer
Po Box 982238
El Paso, TX 79998

Capital One Bank Usa N
15000 Capital One Dr
Richmond, VA 23238

Toyota Motor Credit Co
19001 S Western Ave
Torrance, CA 90501

Us Bank
200 Gibraltar Rd Ste 200
Horsham, PA 19044

(d)Us Bank
Po Box 5227
Cincinnati, OH 45201

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

End of Label Matrix
Mailable recipients 45
Bypassed recipients 3
Total 48

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 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

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- Emmanuel F Fobi efobi@aol.com
- Anthony A Friedman aaf@lnbyb.com
- John Rafferty john.rafferty@buckleymadole.com
- United States Trustee (ND) ustpreion16.nd.ecf@usdoj.gov

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Hon. Peter H. Carroll
United States Bankruptcy Court
1415 State Street, Suite 230
Santa Barbara, CA 93101-2511

☐ Service information continued on attached page

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

October 18, 2016	Lisa Masse	/s/ Lisa Masse
<i>Date</i>	<i>Type Name</i>	<i>Signature</i>