

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address		FOR COURT USE ONLY	
Frank X. Ruggier, CLS-B (CA Bar No. 198863) frank@lsimonslaw.com LAW OFFICES OF LARRY D. SIMONS 15545 Devonshire Street, Suite 110 Mission Hills, California 91345 Telephone: 818-672-1778 Fax: 626-389-5607			
☐ Individual appearing without attorney ☒ Attorney for: Larry D. Simons, Chapter 7 Trustee			
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION			
In re: EDWIN LEAHY dba H2O PLUS CONSTRUCTION,		CASE NO.: 6:22-bk-10809-SY CHAPTER: 7	
Debtor(s).		NOTICE OF SALE OF ESTATE PROPERTY	

Sale Date: February 8, 2024	Time: 9:30 a.m.
Location: Courtroom 302 of the U.S. Bankruptcy Court, 3420 Twelfth Street, Riverside, CA 92501	

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** January 25, 2024

Description of property to be sold: Certain improved real property commonly known as 6784 Outpost Road, Joshua Tree, California 92252, APN 0602-101-14-0 (the "Property")

Terms and conditions of sale: the Sale of the Property is being sold on an "as is" "where is" basis, with no warranties, recourse, contingencies or representations of any kind, pursuant to 11 U.S.C. § 363, subject to overbid.

Proposed sale price: \$305,000.00

Overbid procedure (if any): See Attached

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

n/a

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

Frank X. Ruggier, counsel for Larry D. Simons, Chapter 7 Trustee

LAW OFFICES OF LARRY D. SIMONS

15545 Devonshire Street, Suite 110

Mission Hills, CA 91345

Tel: (818) 672-1778

Email: frank@lsimonslaw.com

Date: January 16, 2024

OVERBID PROCEDURE

In order for any party to participate in an overbid procedure regarding the acquisition of the Property, the Trustee requests that the parties comply with the following provisions:

a. Each party, including David Stallings and Ryan Marean (the "Buyer"), interested in participating as an overbidder must appear at the hearing on the Motion or represented by an individual or individuals with the authority to participate in the overbid process (Please check the Court's website for Judge Yun's instructions on appearing at the Sale hearing);

b. Each party participating in the overbid process (except for Buyer) must provide to the Trustee, at least two (2) business days prior to the hearing on the Sale Motion, a deposit in the form of a money order or a cashier's check made payable to "Larry D. Simons, Chapter 7 Trustee" in the amount of \$9,750.00 (the "Deposit"). The Deposit shall not be refundable if such party is the successful bidder and is thereafter unable to complete the purchase of the Property for any reason other than a material breach by Trustee. Each party participating in the overbid process (except for Buyer) must also provide the Trustee with evidence of the financial wherewithal to close the contemplated sale;

c. Subject to Court approval, the Trustee recommends that the initial overbid be in the amount of \$310,000.00 and that subsequent overbids be in the incremental amount of \$1,000.00; and

d. Each party (including the Buyer) must pay the full amount of the successful bid to the Trustee within the time period set forth in the escrow documents or otherwise within fourteen (14) days from the date of the Order approving the Motion becomes a final order, whichever is earlier. In the event that the Buyer is not the successful bidder of the Property, the successful bidder shall then become the buyer under the same terms and conditions as set forth in the escrow documents. Furthermore, if the successful bidder cannot deliver the balance of the sale price within the above-referenced period, the successful bidder's deposit shall become non-refundable.

e. All due diligence is to be completed prior to the hearing as the Sale is on an "as-is" "where is" basis with no warranties, representations, recourse or contingencies of any kind.

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:

15545 Devonshire Street, Suite 110, Mission Hills, CA 91345

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 **01/16/2024**, 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:

Nancy L. Lee: bknotice@mccarthyholthus.com, nlee@ecf.courtdrive.com

Christine Mathias: christine@mathiaslegal.com

Frank X Ruggier: frank@ruggierlaw.com

Kristin A. Schuler-Hintz: bknotice@mccarthyholthus.com, Khintz@ecf.inforuptcy.com, Khintz@mccarthyholthus.com, Khintz@ecf.courtdrive.com

Larry D. Simons (TR): larry@lsimonslaw.com, c119@ecfbis.com, nancy@lsimonslaw.com, simonsecf@gmail.com, kareng@lsimonslaw.com

United States Trustee (RS): ustpreion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On **01/16/2024**, 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 Copy: The Honorable Scott H. Yun, 3420 Twelfth Street, Suite 345, Riverside, CA 92501-3819

Debtor Copy: Edwin Leahy, 4747 Sunburst St, Joshua Tree, CA 92252-1647

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

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

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

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

EDD: Employment Development Department, Bankruptcy Group MIC 92E, P.O. Box 826880, Sacramento, CA 94280-0001

Mortgage Company via Certified Mail: Stacey Friedman, General Counsel, JPMorgan Chase Bank, N.A., 1111 Polaris Parkway, Columbus, OH 43240

☐ 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.

01/16/2024
Date

Karen Green
Printed Name

/s/ Karen Green
Signature