

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Robert P. Goe – State Bar No. 137019 Brandon J. Iskander – State Bar No. 300916 GOE FORSYTHE & HODGES LLP 17701 Cowan Avenue, Building D, Suite 210 Irvine, CA 92614 rgoe@goeforlaw.com biskander@goeforlaw.com</p> <p>Telephone: (949) 798-2460 Facsimile: (949) 955-9437</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Charles W. Daff, Ch. 7 Trustee</p>	<p>FOR COURT USE ONLY</p>
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION**

<p>In re:</p> <p>PRECIOUS TIFFANY DYKSTRA and RICHARD ARREOLA DYKSTRA,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 6:24-bk-14258-WJ CHAPTER: 7</p> <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>
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<p>Sale Date: 11/05/2024</p>	<p>Time: 1:00 pm</p>
<p>Location: Courtroom 304, U.S. Bankruptcy Court, 3420 Twelfth Street, Riverside, CA 92501</p>	

Type of Sale: Public Private **Last date to file objections:** 10/22/2024

Description of property to be sold: (1) 39.172% interest in OTV Investment Group, LLC a Nevada limited liability company; and (2) 39.172% interest in Oak Tree Mountain, LLC a Nevada limited liability company.

Terms and conditions of sale: See Attached.

Proposed sale price: \$ 200,000.00

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

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:

Date: November 5, 2024
Time: 1:00 p.m.
Place: Courtroom 304
U.S. Bankruptcy Court
3420 Twelfth Street
Riverside, CA 92501

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

Brandon J. Iskander
GOE FORSYTHE & HODGES LLP
17701 Cowan Avenue, Building D, Suite 210
Irvine, CA 92614
biskander@goeforlaw.com
Telephone: (949) 798-2460
Facsimile: (949) 955-9437

Date: 10/15/2024

Sale Information and Bidding Procedures Pursuant to Local Bankruptcy Rule 6004-1(f)

LBR 6004-1(c)(3) Requirement	Information
<p>LBR 6004-1(c)(3)(A) Date, Time, and Place of hearing on the proposed sale:</p>	<p>Hearing Date and Time: November 5, 2024 at 1:00 p.m. Hearing Place: Via CourtCall or In-Person, Courtroom 304, United States Bankruptcy Court, 3420 Twelfth Street, Riverside, CA 92501</p>
<p>LBR 6004-1(c)(3)(B) Name and address of the proposed buyer:</p>	<p>Michael Lyon 11263 Idyllic Drive, #102 Las Vegas, NV 89135</p>
<p>LBR 6004-1(c)(3)(C) Description of the property to be sold:</p>	<p>All the Estate’s right, title, and interest in Oak Tree Mountain, LLC and OTV Investment Group, LLC on an as is where is basis without any representations or warranties express or implied (“LLC Interests”):</p> <ul style="list-style-type: none"> (1) 39.172% interest in Oak Tree Mountain, LLC, a Nevada limited liability company operating in California (2) 39.172% interest in OTV Investment Group LLC, a Nevada limited liability company operating in California
<p>LBR 6004-1(c)(3)(D) Terms and conditions of the proposed sale, including the price and all contingencies:</p>	<p>Buyer has offered \$200,000.00 to purchase the LLC Interests “As Is Where Is” without representations or warranties, express or implied. The sale is free and clear of liens, encumbrances, and interests and is subject to overbids.</p>
<p>LBR 6004-1(c)(3)(E) Whether the proposed sale is free and clear of liens, claims or interests, or subject to them, and a description of all such liens, claims or interests:</p>	<p>The Trustee believes that no liens encumber the LLC Interests.</p> <p>However, if a party-in-interest nevertheless asserts that it has a lien on the LLC Interests, the Trustee will ask for an order approving sale of the LLC Interests free and clear of liens and that no liens shall attach to the proceeds. As further discussed in the Sale Motion, the perfection of a security interest in general intangibles requires the filing of a UCC-1 in the jurisdiction where the debtors are located. As there are no UCC-1s of record as to either Precious Dykstra or Richard Dykstra in the State of California, the alleged lien of Agoura Hills Financial, Inc. is in bona fide dispute with respect to the LLC Interests. 11 U.S.C. § 363(f)(4). As such, the LLC Interests will be sold free and clear of the disputed lien and said disputed lien should not attach to the proceeds.</p>

<p>LBR 6004-1(c)(3)(F) Whether the proposed sale is subject to higher and better bids:</p>	<p>The sale of the LLC Interests is subject to overbids with the initial overbid set at \$230,000 and further overbids at increments of \$5,000 unless altered by the Court.</p>
<p>LBR 6004-1(c)(3)(G) Consideration to be received by the Estate, including estimated commissions, fees, and other costs of sale:</p>	<p>Purchase price of \$200,000.00, subject to overbids. The Trustee does not anticipate the incurrence of any additional costs of sale, commissions, or fees.</p>
<p>LBR 6004-1(c)(3)(H) If authorization is sought to pay commission, the identity of the auctioneer, broker, or sales agent and the amount or percentage of the proposed commission to be paid:</p>	<p>The Trustee is not seeking authorization to pay any commission to an auctioneer, broker, or sales agent.</p>
<p>LBR 6004-1(c)(3)(I) A description of the estimated or possible tax consequences to the Estate, if known, and how any tax liability generated by the sale of the property will be paid:</p>	<p>It is projected that the Bankruptcy Estate should have sufficient basis and passive loss carryforwards to offset any gain from the sale of the partnership interests.</p>
<p>LBR 6004-1(c)(3)(J) Date which objection must be filed and served:</p>	<p>Objections, if any, must be filed and served 14 days prior to the Hearing Date (or by October 22, 2024).</p>

Proposed Bidding Procedures:

- Potential overbidders must bid an initial amount of at least \$30,000.00 over the Purchase Price or \$200,000.00 (total of \$230,000.00). Minimum bid increments thereafter shall be \$5,000.00, unless altered by the Court. The Trustee shall have sole discretion in determining which overbid is the best for the Estate and will seek approval from the Court of the same.
- Overbids must be submitted on or before seven (7) days before the hearing on this Motion by declaration filed with the Bankruptcy Court under the penalty of perjury indicating that the bidder is desirous of participating in the hearing and will execute a purchase agreement which is virtually identical to the Membership Interest Purchase Agreement attached hereto as Exhibit 1. To qualify, the bidder must also deliver \$230,000 to the Trustee to be held in trust toward the Court-approved purchase price. If a qualifying overbidder is not the Successful Bidder, then the Trustee will refund the overbidder's deposit within 5 calendar days of closing.
- The overbidder must also provide evidence to the Trustee of having sufficient specifically committed funds to complete the transaction for the bid amount and such other documentation relevant to the bidder's ability to qualify as the Buyer and ability to close the sale and immediately

and unconditionally pay the winning bid purchase price at closing.

- The overbidder must seek to acquire the LLC Interests on terms and conditions not less favorable to the Estate than the terms and conditions to which the Buyer has agreed to purchase the LLC Interests, including but not limited to, waiver of any and all due diligence and other contingencies such that all bidders shall become non-contingent and closing on the sale of the LLC Interests in the same time parameters as the Buyer.
- If one or more overbids are received, the final bidding round for the LLC Interests shall be held at the hearing on this Motion in order to allow all potential bidders the opportunity to overbid and purchase the LLC Interests. At the final bidding round to be conducted before the Bankruptcy Court, the Trustee will seek entry of an order, *inter alia*, authorizing and approving the sale of the LLC Interests to the bidder whom the Trustee, in the exercise of his business judgment, may determine to have made the highest and best offer to purchase the LLC Interests, consistent with the Bidding Procedures (“Successful Bidder”). The hearing on this Motion may be adjourned or rescheduled without notice other than by an announcement of the adjourned date at the hearing on this Motion.
- In the event the Successful Bidder fails to close on the sale of the LLC Interests within the time parameters approved by the Court, the Trustee will be released from his obligation to sell the LLC Interests to the Successful Bidder and the Trustee may then sell the LLC Interests to the first backup bidder approved by the Court at the hearing on this Motion (“Backup Bidder”).
- In the event Backup Bidder fails to close on the sale of the LLC Interests within the time parameters approved by the Court, the Trustee will be released from his obligation to sell the LLC Interests to the Backup Bidder and the Trustee may then sell the LLC Interests to the second backup bidder approved by the Court at the hearing on this Motion (“Second Backup Bidder”).

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:
17701 Cowan, Suite 210, Irvine, CA 92614

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)* 10/15/2024, 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)* 10/15/2024, 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.

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)* 10/15/2024, 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.

- Honorable Wayne Johnson, USBC, 3420 Twelfth Street, Suite 384, Riverside, CA 92501-3819

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.

10/15/2024 Susan C. Stein
Date *Printed Name*

/s/ Susan C. Stein
Signature

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

- **Moses S Bardavid** mbardavid@hotmail.com
- **Charles W Daff (TR)** charleswdaff@gmail.com, c122@ecfcbis.com
- **Brandon J. Iskander** biskander@goeforlaw.com, kmurphy@goeforlaw.com
- **Thomas J Polis** tom@polis-law.com, paralegal@polis-law.com;r59042@notify.bestcase.com
- **Gary B Rudolph** grudolph@fennemorelaw.com,
bkstaff@sullivanhill.com;vidovich@ecf.inforuptcy.com;rudolph@ecf.courtdrive.com;kcashman-
kramer@fennemorelaw.com;ejames@fennemorelaw.com;james@ecf.courtdrive.com
- **United States Trustee (RS)** ustpreion16.rs.ecf@usdoj.gov

Service Addresses - SERVED BY UNITED STATES MAIL:

Agoura Hills Financial, Inc.
c/o Law Offices of Moses S. Bardavid
15910 Ventura Blvd., #1405
Encino, CA 91436

Agoura Hills Financial, Inc.
c/o Bentley Richards, Agent for Service of Process
21820 Burbank Blvd., Ste. 250
Woodland Hills, CA 91367

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

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

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

San Bernardino County Office of the Tax Collector
268 West Hospitality Lane, 1st Floor
San Bernardino, CA 92415

Clark County Treasurer's Office
Office of the County Treasurer
500 S. Grand Central Pkwy
Box 551220
Las Vegas, NV 89155-1220

Clark County Treasurer's Office
Office of the County Treasurer
500 S. Grand Central Pkwy, First Floor
Las Vegas, NV 89155-1220

California Franchise Tax Board
Franchise Tax Board Chief Counsel

c/o General Counsel Section
P.O. Box 1720, MS: A-260
Rancho Cordova, CA 95741-1720

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

Michael Lyon
11263 Idyllic Drive, #102
Las Vegas, NV 89135

OTV Investment Group, LLC
Oak Tree Mountain, LLC
David Ollis
Erich Broesel
Steve Henry
Jason Karger
James Hughes
Aaron Hand
c/o Richard I. Dreitzer, Esq.
FENNEMORE CRAIG, P.C.
9275 W. Russell Road, Suite 240
Las Vegas, NV 89148

In re Precious & Richard Dykstra
U.S.B.C. Case No. 6:24-bk-14258-WJ

Debtors

Precious Tiffany Dykstra
Richard Arreola Dykstra
35858 Wildwood Canyon Rd
Yucaipa, CA 92399-5134

United States Trustee (RS)
3801 University Avenue, Suite 720
Riverside, CA 92501-3255

Chapter 7 Trustee

Charles W. Daff (TR)
2107 N. Broadway, Suite 308
Santa Ana, CA 92701-2634

Debtors Counsel

Thomas J Polis
Polis & Associates, APLC
19800 MacArthur Blvd, Ste 1000
Irvine, CA 92612-2433

CREDITORS

21st Mortgage
620 Market Street
Knoxville, TN 37902-2207

Agoura Hills Financial, Inc.
c/o Law Offices of Moses S. Bardavid
15910 Ventura Blvd, Ste 1405
Encino, CA 91436-2836

Blank Rome, LLP
2029 Century Park East, 6th FL
Los Angeles, CA 90067-2907

Blank Rome, LLP
4 Park Plaza, Suite 450
Irvine, CA 92614-2516

Bobs Discount Furniture
Wells Fargo
PO Box 393
Minneapolis, MN 55480-0393

Capital one
PO Box 31293
Salt Lake City, UT 84131-0293

Capital One N.A.
By AIS InfoSource LP as agent
PO Box 71083
Charlotte, NC 28272-1083

Fennemore Craig, PC
Richard L Dreitzer/MaryJo E Smart
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Las Vegas, NV 89148-1477

Fennemore, LLP
Kevin J Abbot, Esq
550 E Hospitality Lane, Suite 350
San Bernardino, CA 92408-4206

Franchise Tax Board
Attn: Bankruptcy
PO Box 2952
Sacramento, CA 95812-2952

Holley Driggs
300 S. 4th Street, Suite 1600
Las Vegas, NV 89101-6000

Holly Driggs, Ltd
Attn: McKay Holley, Esq
300 S. 4th Street, Suite 1600
Las Vegas, NV 89101-6000

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Loan Mart
Capital Community Bank
Van Nuys, CA 91409

Michael Lyon
OTV Investment Group, LLC
Oak Tree Mountain, LLC
11263 Idyllic Drive, Unit 102
Las Vegas, NV 89135-3481

Office of the U.S. Trustee
3685 Main Street, 3rd FL
Riverside, CA 92501-2883

Southern California Edison
PO Box 976
Rosemead, CA 91770-0976

Superior Loan Servicing
1801 W Olympic Blvd
Pasadena, CA 91199-0001

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Reed J Werner, Esq
2350 W Charleston Blvd, Suite 100
Las Vegas, NV 89102-2184

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400 Maryland Avenue, SW
Washington, DC 20202-0008