

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  TODD A. FREALLY (SBN 198780) CARMELA T. PAGAY (SBN 195603) LEVENE, NEALE, BENDER, YOO & BRILL L.L.P. 10250 Constellation Boulevard, Suite 1700 Los Angeles, California 90067 Telephone: (310) 229-1234 Facsimile: (310) 229-1244 Email: taf@lnbyb.com; ctp@lnbyb.com  <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Larry D. Simons, Chapter 7 Trustee	FOR COURT USE ONLY
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<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION</b>	
In re:  BALEINE, LP,   Debtor(s).	CASE NO.: 6:13-bk-27610-MH CHAPTER: 7  <div style="text-align: center; padding: 20px;"> <b>NOTICE OF SALE OF ESTATE PROPERTY</b> </div>

<b>Sale Date:</b> 12/17/2014	<b>Time:</b> 11:00 am
<b>Location:</b> United States Bankruptcy Court, Courtroom 303, 3420 Twelfth Street, Riverside, California 92501	

**Type of Sale:**  Public  Private **Last date to file objections:** 12/03/2014

**Description of property to be sold:** \_\_\_\_\_  
 Real property located at 137-139 Mohawk Street, Rochester, New York 14621 ("Property")  
 \_\_\_\_\_  
 \_\_\_\_\_

**Terms and conditions of sale:** \_\_\_\_\_  
 Condition of Property: Property purchased "as-is" without any representations or warranties of any kind  
 Broker's Commissions: Six percent (6%)  
 \_\_\_\_\_  
 \_\_\_\_\_

**Proposed sale price:** \$ 25,000.00 \_\_\_\_\_

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 Proposed Overbidding Procedures attached as Exhibit 1 hereto.

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

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

Carmela T. Pagay, Esq.  
Levene, Neale, Bender, Yoo & Brill L.L.P.  
10250 Constellation Boulevard, Suite 1700  
Los Angeles, CA 90012  
Telephone: (310) 229-1234  
Facsimile: (310) 229-1244  
Email: ctp@lnbyb.com

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Date: 11/19/2014

# **EXHIBIT 1**

**PROPOSED OVERBID PROCEDURES**

**FOR PURCHASE OF PROPERTY**

1. Anyone interested in submitting an overbid with respect to the purchase of the Property must attend the hearing on the Motion or be represented by an individual at the hearing (either in person or telephonically) with authority to participate in the overbid process.
2. An overbid will be defined as an initial bid of \$5,000 above the \$25,000 proposed purchase price or higher with each additional overbid to be in \$1,000 increments.
3. Overbidders (except for the Purchasers) must deliver a deposit to the Trustee's counsel by way of cashier's check made payable to "Larry D. Simons, Chapter 7 Trustee," in the amount of \$3,000 (the "Deposit") and proof of ability to close escrow unconditionally in a form acceptable to the Trustee no later than 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 15 calendar days of entry of the order confirming the sale.
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.
7. If there are any qualified overbidders, an auction of the Property shall be held during the hearing on the Motion (on **December 17, 2014 at 11:00 a.m.**) at which time the Court shall determine the highest and best bid for the Property.

## 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 90017.

A true and correct copy of the foregoing document entitled (*specify*) **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 **November 20, 2014**, 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 **November 20, 2014**, 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.

### VIA U.S MAIL OR NEF IF MARKED\*

Hon. Mark D. Houle  
3420 Twelfth Street, Suite 365  
Courtroom 303  
Riverside, CA 92501-3819

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 **November 20, 2014**, 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.

November 20, 2014  
Date

Marla L. Fuentes  
Printed Name

/s/ Marla L. Fuentes  
Signature

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

Michael J Bujold on behalf of U.S. Trustee United States Trustee (RS)  
Michael.J.Bujold@usdoj.gov

Franklin R Fraley, Jr on behalf of Creditor Revere Financial Corporation  
cmecf@fraleylaw.com

Franklin R Fraley, Jr on behalf of Interested Party Courtesy NEF  
cmecf@fraleylaw.com

Todd A Frealy on behalf of Trustee Larry D Simons (TR)  
taf@lnbrb.com

Jeffrey K Garfinkle on behalf of Interested Party Courtesy NEF  
jgarfinkle@buchalter.com, docket@buchalter.com;dcyrankowski@buchalter.com

Jeffrey K Garfinkle on behalf of Interested Party Jerry Wang, Duly-Appointed State Court Receiver  
jgarfinkle@buchalter.com, docket@buchalter.com;dcyrankowski@buchalter.com

Chad V Haes on behalf of Interested Party Courtesy NEF  
chaes@marshackhays.com, ecfmarshackhays@gmail.com

D Edward Hays on behalf of Interested Party Courtesy NEF  
ehays@marshackhays.com, ecfmarshackhays@gmail.com

Anthony J Napolitano on behalf of Interested Party Jerry Wang, Duly-Appointed State Court Receiver  
anapolitano@buchalter.com, IFS\_filing@buchalter.com

Carmela Pagay on behalf of Trustee Larry D Simons (TR)  
ctp@lnbrb.com

Cassandra J Richey on behalf of Creditor First Niagara Bank, N.A., its assignees and/or successors in interest,  
cmartin@pralc.com

Cassandra J Richey on behalf of Interested Party Courtesy NEF  
cmartin@pralc.com

Summer Shaw on behalf of Debtor Baleine LP  
hanlaw@aol.com

Larry D Simons (TR)  
larry@lsimonslaw.com, c119@ecfbis.com

Sue-Ann L Tran on behalf of Creditor Revere Financial Corporation  
cmecf@fraleylaw.com

United States Trustee (RS)  
ustpregion16.rs.ecf@usdoj.gov

Laurel R Zaeske on behalf of Interested Party Courtesy NEF  
lzaeske@brownrudnick.com