

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  Todd L. Turoci (State Bar No. 160059) Julie Philippi (State Bar No. 166108) THE TUROCI FIRM 3845 Tenth Street Riverside, CA 92501 Telephone (888) 332-8362 Facsimile (866) 762-0618 mail@theturocifirm.com  <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtor		FOR COURT USE ONLY	
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION</b>			
In re: RIVER CREST ESTATES, LLC          Debtor(s).		CASE NO.: 6:17-bk-15755SC CHAPTER: 11	
		<b>NOTICE OF SALE OF ESTATE PROPERTY</b>	
<b>Sale Date:</b> 11/14/2017		<b>Time:</b> 1:30 pm	
<b>Location:</b> Courtroom 126, US Bankruptcy Court, 3420 Twelfth Street, Riverside CA 92501			

**Type of Sale:** ☒ Public ☐ Private

**Last date to file objections:** 11/01/2017

**Description of property to be sold:**

Real Property of the bankruptcy estate, approximately 22 acres of vacant land in Bullhead City, Arizona, APN 220-04-137 (the "Property") as is, with all faults. See Exhibit 1 for a more complete description.

**Terms and conditions of sale:**

See attached summary

**Proposed sale price:** \$ 665,000.00 & 15% share of profits

**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: 11/14/17  
Time: 1:30 p.m.  
Courtroom 126  
US Bankruptcy Court  
3420 Twelfth St  
Riverside CA 92501

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

Todd Turoci  
THE TUROCI FIRM  
3845 Tenth St  
Riverside CA 92501  
Telephone: 951-784-1678  
Fax: 866-762-0618  
Email: todd@theturocifirm.com or julie@theturocifirm.com

Date: 10/16/2017

In re River Crest Estates, LLC  
Case No. 6:17-bk-15755SC  
Chapter 11

### **SUMMARY**

Debtor is seeking court authority to sell the Property to Roger Jaegar ("Buyer") for \$665,000 plus a 15% share in the development profits, subject to overbids. The price includes the development plans for the Property that are owed by Debtor's affiliate River Crest Development, LLC, which is in its own chapter 11 proceeding, case no. 6:17-bk-15757SC. A motion to sell has also been filed in that case. The Real Estate Purchase and Sale Agreement is attached to the Motion on file with the court as Exhibit 2. There are no liens on the Property other than for unpaid property taxes, which will be paid through escrow.

### **DESCRIPTION OF PROPERTY TO BE SOLD**

The Property is approximately 22 acres of vacant land that has been approved for a "55 and older" planned residential community. See Exhibit 1 for a complete description. The Property and Plans are being sold as is with all faults.

### **THE TERMS OF SALE**

Buyer has offered to purchase the Property along with the Plans for \$665,000 plus a 15% share in the profits of the developed Property. The purchase price is allocated \$590,000 for the Property and \$75,000 for the Plans.

Buyer will pay \$165,000 as a down payment with \$75,000 to go to RCD for the Plans and \$90,000 to go to Debtor towards the Purchase Price of the Property. Debtor will then receive a note and deed of trust on the property for \$500,000. The unpaid principal balance will earn 5% interest per annum. Payments will be due on the note when lots are sold. Additionally, Debtor will receive 15% of the profits from the development.

### **OVERBID PROCEDURES**

1. Potential bidders must bid an initial amount of at least \$20,000 over the Purchase Price (\$685,000) and include at least a 15% share in the profits of the development. If a bidder does not wish to offer a share in the profits, the initial amount of the overbid must be \$335,000



1 over the Purchase Price (\$1,000,000) to compensate for the loss of profits. Minimum bid  
2 increments thereafter shall be \$5,000. Debtor shall have sole discretion in determining which  
3 overbid is the best for the estate and will seek approval from the Court of the same.

4 2. Overbids must be in writing and be received by Debtor's counsel on or before three  
5 business days prior to the hearing on the Motion. Overbids must be sent to: The Turoci Firm, Attn:  
6 Todd Turoci, 3845 Tenth Street, Riverside, CA 92501. They can also be faxed to 866-762-0618  
7 or emailed to todd@theturocifirm.com and julie@theturocifirm.com.

8 3. Overbids must be accompanied by certified funds in an amount equal to 5% of the  
9 overbid purchase price.

10 4. The bidder must also provide evidence of having sufficient specifically committed  
11 funds to complete the transaction, or a lending commitment for the bid amount and such other  
12 documentation relevant to the bidder's ability to qualify as the purchaser of the Property and ability  
13 to close the sale and immediately and unconditionally pay the winning bid purchase price at closing.

14 5. The bidder must seek to acquire the Property on terms and conditions not less  
15 favorable to the Estate than the terms and conditions to which the Buyer has agreed to purchase  
16 the Property as set forth in Exhibit 2 including the provision that the bidder must perform within  
17 the same time frame as the Buyer is obligated to perform under the Purchase Agreement

18 6. All competing bids must acknowledge that the Property is being sold on an "AS IS"  
19 basis without warranties of any kind, expressed or implied, being given by Debtor concerning the  
20 condition of the Property, the quality of the title thereto, or any other matters. Bidders are  
21 purchasing the Property as a result of their own investigations and are not buying the Property  
22 pursuant to any representation made by any broker, agent, accountant, attorney, or employee acting  
23 at the direction or on behalf of Debtor. Bidders must acknowledge that they have inspected the  
24 Property, and upon closing of escrow, bidders forever waive for themselves and their heirs,  
25 successors, and assigns, all claims against the bankruptcy estate, Debtor, its attorneys, agents, and  
26 employees.

1           7.       If overbids are received, the final bidding round for the Property shall be held at the  
2 hearing on this motion in order to allow all potential bidders the opportunity to overbid and  
3 purchase the Property. At the final bidding round, Debtor or its counsel will in the exercise of their  
4 business judgment and subject to court approval, accept the bidder who has made the highest and  
5 best offer to purchase the Property, consistent with the Bidding Procedures ("Successful Bidder").

6           8.       At the hearing on the Motion, the Debtor will seek entry of an order, inter alia,  
7 authorizing and approving the sale of the Property to the Successful Bidder. The hearing on the  
8 motion may be adjourned or rescheduled without notice other than by an announcement of the  
9 adjourned date at the hearing on the motion.

10          9.       In the event the Successful Bidder fails to close on the sale of the Property within  
11 the time parameters approved by the Court, the Successful Bidder's deposit shall be non-  
12 refundable, and that forfeiture shall be construed as liquidated damages. Debtor will be released  
13 from its obligation to sell the Property to the Successful Bidder. Debtor may then sell the Property  
14 to the first back-up bidder approved by the Court at the hearing on the motion.

## 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:  
**3845 Tenth Street.**  
**Riverside, CA 92501**

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served 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 **10/16/2017**, 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:

- **Patrick Barrowclough** patrick.barrowclough@azbar.org
- **Everett L Green** everett.l.green@usdoj.gov
- **John H Pentecost** jpentecost@hartkinglaw.com, amartinez@hartkinglaw.com
- **Todd L Turoci** mail@theturocifirm.com
- **United States Trustee (RS)** ustpreion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

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

On   , 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 **10/16/2017**, 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.

Hon. Scott C. Clarkson  
USBC Santa Ana Division  
411 W. Fourth Street, Bin beside 5<sup>th</sup> floor elevators  
Santa Ana, CA 92701

☐ Service information continued on attached page

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

10/18/17  
Date

Adela Salgado  
Printed Name

  
Signature