

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Andy C. Warshaw (263880) Financial Relief Law Center, APC 1200 Main St., Suite C Irvine, CA 92614 Phone: (714) 442-3319 Fax: (714) 361-5380 Email: awarshaw@bwlawcenter.com <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtors in Possession	FOR COURT USE ONLY
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

In re: Kathy D. Gorski Michael A. Gorski Debtor(s).	CASE NO.: 8:19-bk-13904-MW CHAPTER: 11 <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>
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Sale Date: August 9, 2021	Time: 2:00 pm
Location: 411 W. Fourth Street, Santa Ana, CA 92701 - Courtroom 6C	

Type of Sale: Public Private **Last date to file objections:** At the hearing on August 9, 2021 at 2:00 pm

Description of property to be sold:

Residential real estate located at 1938 W. Culver Avenue #12, Orange, CA 92868

Terms and conditions of sale: Refer to the Purchase Agreement attached to the Motion as Exhibit "4".

Proposed sale price: \$545,000

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): Overbidding procedures are constructed pursuant to the Court's Sale Procedures on minimum bidding increments that are appended as Exhibit "A" to the end of this notice and provided for on the Court's website as follows:

https://www.cacb.uscourts.gov/sites/cacb/files/documents/judges/instructions/MW_SALE%20PROCEDURES.pdf.

Proposed Overbid Procedures as appended as Exhibit "B".

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

Date: August 9, 2021

Time: 2:00 pm

Location: 411 W Fourth Street, Santa Ana, CA 92701 in Courtroom 6C (Virtual)

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

Andy C. Warshaw, Esq.

1200 Main Street, Suite C

Irvine, CA 92614

Phone: (714) 442-3319

Fax: (714) 361-5380

Email: awarshaw@bwlawcenter.com

Date: July 16, 2021

Exhibit "A"
Court's Instruction on Overbid Procedure

SALE PROCEDURES

The Court is fairly flexible with respect to sale procedures and will entertain suggestions and requests from the moving party as to how best to handle the sale.

1. Approval Process. If the gross fair market value of the property (the property's fair market value determined without regard to any encumbrances against it) to be sold exceeds \$2 million, bidding procedures should be established prior to sale through a separate motion.
2. Auction Location. The Court has a slight preference for conducting the auction in open court where there are only two or three bidders and the property's gross fair market value is \$2 million or less. Auctions involving more than three bidders may be conducted in the hallway outside the court. The Court will entertain suggestions to hold the auction off-site entirely. A transcript of the auction in the case of an off-site auction is optional.
3. Conduct of Bidding. Qualified bidders can continue to escalate their bids in their discretion so long as they satisfy minimum bidding increments. A person who drops out of bidding may resume bidding in his or her discretion.
4. Minimum Bidding Increments. There are two evils to be avoided in this area: bidding increments so small that the auction goes on for an overly long period of time, and bidding increments so large that bidding is chilled. In an auction of residential real property worth about \$900,000, a \$1,000 or \$2,000 bidding increment is too small and a \$20,000 bidding increment is too large. A \$5,000 to \$10,000 increment would seem to be in the right range.
5. Break-Up Fees and Expense Reimbursements. A stalking horse buyer performs a service for the estate and may be entitled to compensation where the cost of providing such service is more than *de minimis*. If the asset being sold is a going business, due diligence costs typically associated with the purchase of a business strongly argue in favor of a break-up fee and/or expense reimbursement. On the other hand, a stalking horse buyer's participation in a sale of a single family residence would not justify a break-up fee or expense reimbursement except in extraordinary circumstances. If a break-up fee is warranted, permissible break-up fees generally would be in the 1 percent or 2 percent range. In any event, Court approval of the break-up fee and expense reimbursement is required before the fee can be paid and the expense reimbursement made.
6. Backup Bidders. The Court generally will approve a backup bidder. An approved backup bidder need not return to the Court for approval of the sale if the successful bidder fails to close.
7. Good Faith Findings. Filed declarations from the movant and the successful bidder that there has been no collusion in connection with the sale and that there exist no written or oral or non-oral (a wink and a nod) understandings between the movant and the successful bidder that have not been disclosed to the Court in a filed pleading generally will suffice to establish good faith.
8. Rule 6004(h). The Court generally will waive the 14 day stay if there are no unresolved objections to the sale.

Exhibit "B"
Overbid Procedures for Proposed Sale

1 Andy C. Warshaw SBN No. 263880
2 **FINANCIAL RELIEF LAW CENTER, APC**
3 1200 Main St., Suite G
4 Irvine, CA 92614
5 Direct Phone: (714) 442-3319
6 Facsimile: (714) 361-5380
7 Email: awarshaw@bwlawcenter.com

8 Attorneys for Debtors in Possession

9
10 **UNITED STATES BANKRUPTCY COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

12 In Re

13 KATHY D. GORSKI AND MICHAEL A
14 GORSKI,

15 Debtors in Possession.

Case No.: 8:19-bk-13904-MW

Chapter 11

**OVERBID PROCEDURE FOR
MOTION FOR ORDER: (1)
AUTHORIZING SALE (A) OUTSIDE
THE ORDINARY COURSE OF
BUSINESS; (B) FREE AND CLEAR OF
LIENS, CLAIMS, AND
ENCUMBRANCES; (C) SUBJECT TO
OVERBID; AND (D) FOR
DETERMINATION OF GOOD FAITH
PURCHASER UNDER 11 U.S.C. §
363(M)**

Hearing:

Date: August 9, 2021

Time: 2:00 pm

Courtroom: 6C

Address: 411 West Fourth Street
Santa Ana, CA 92701-4593

1
2 **OVERBID PROCEDURE**

3 Any potential overbidder is encouraged to obtain a copy of the Motion and contact
4 Debtors' counsel prior to the hearing. The Property will be sold subject to an overbid at an open
5 auction (the "Auction") to be conducted by Debtor before the Court at the time that this Motion is
6 heard. The Debtors established the following overbid procedures, which govern the bidding:

- 7
- 8 1. Any person or entity that is interested in purchasing the Property (the "Bidders") must
9 serve the Debtors and their counsel with an initial bid in conformance with this paragraph
10 ("Overbid"), such that any overbid is actually received no later than the commencement of
11 the action (the "Bid Deadline").
 - 12 2. Any person or entity that submits a timely, conforming Overbid shall be deemed a
13 "Qualified Bidder" and may bid for the Property at the hearing. Unless otherwise
14 permitted by the Court, any entity that fails to submit a timely, confirming bid shall be
15 disqualified from bidding for the Property.
 - 16 3. The Debtors, subject to the rights of a Bidder or party in interest to raise an issue with the
17 Court, shall have sole authority to determine whether a party is a Qualified Bidder.
 - 18 4. Any Overbid must remain open until the conclusion of the auction ("Auction") of the
19 Property to be held at the hearing on this Motion.
 - 20 5. Any Overbid must provide for a minimum purchase price of at least \$550,000 with \$5,000
21 bid increments thereafter.
 - 22 6. Any Overbid must be for the Property "as is," where is," and "with all faults" and shall not
23 contain any financing, due diligence, or other contingency fee, termination fee, or any
24 similar fee or expense reimbursement.
 - 25 7. Any Overbid must be accompanied by a deposit of \$20,000 in certified funds, which funds
26 shall be nonrefundable if the bid is determined by the Court to be the highest and best bid
27 for the Property (the "Best Bid"), and proof satisfactory to the Debtors that such bidder has
28 sufficient funds to complete the sale. Because the auction will be conducted virtually,
proof of funds must be provided prior to the hearing.

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8. Any Overbid must be made by a person or entity who completed its due diligence review of the Property and is satisfied with the results.
9. If the Debtors receive a timely, conforming Overbid for the Property, the Court will conduct an auction of such property at the hearing, in which all Qualified Bidders may participate. The Auction shall be governed by the following procedures: (a) All Qualified Bidders shall be deemed to have consented to the core jurisdiction of the Bankruptcy Court and to have waived any right to a jury trial in connection with any disputes relating to the Auction or sale of the Property; (b) the minimum bidding increment during the auction shall be \$5,000; (c) Bidding shall commence at \$550,000; and (d) the Court will determine which of the bids is the best bid (the “Successful Bidder”).
10. The Successful Bidder must pay, at the closing, all amounts reflected in the Best Bid in cash and such other consideration as agreed upon.

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:

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)* 07/16/2021, 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:

Greg P Campbell ch11ecf@aldridgepate.com, gc@ecf.inforuptcy.com;gcampbell@aldridgepate.com
John D Ellis john.ellis3@usdoj.gov, USACAC.criminal@usdoj.gov;CaseView.ECF@usdoj.gov
Daniel K Fujimoto wdk@wolffirm.com
Nancy S Goldenberg nancy.goldenberg@usdoj.gov
Kelly M Kaufmann bknotice@mccarthyholthus.com, kraftery@ecf.courtdrive.com
Megan E Lees caecf@tblaw.com
Erica T Loftis Pacheco bknotifications@ghidottiberger.com
Randall P Mroczynski randym@cookseylaw.com
Arvind Nath Rawal arawal@americaninfosource.com
Valerie Smith claims@recoverycorp.com
United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
Andy C Warshaw awarshaw@bwlawcenter.com, ecf@bwlawcenter.com
Alan Steven Wolf wdk@wolffirm.com
Jennifer C Wong bknotice@mccarthyholthus.com, jwong@ecf.courtdrive.com
Arnold H. Wuhrman Arnold@WuhrmanLaw.com
Mandy D Youngblood csbk@gmfinancial.com
Robert P Zahradka caecf@tblaw.com

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* 07/16/2021, 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.

Chambers of the Honorable Mark S. Wallace
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 6135 / Courtroom 6C
Santa Ana, CA 92701-4593

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.

<u>07/16/2021</u>	<u>Ronda Miner</u>	<u>/s/ Ronda Miner</u>
<i>Date</i>	<i>Printed Name</i>	<i>Signature</i>

Label Matrix for local noticing
0973-8
Case 8:19-bk-13904-MW
Central District of California
Santa Ana
Mon Jul 12 09:59:35 PDT 2021

AmeriCredit Financial Services, Inc. Dba GM
P.O Box 183853
Arlington, TX 76096-3853

CitiMortgage, Inc.
Tiffany and Bosco
1455 Frazee Road
Suite 820
San Diego, CA 92108-4395

Deutsche Bank National Trust Company, as tru
c/o McCarthy & Holthus, LLP
411 Ivy Street
San Diego, CA 92101-2108

Financial Relief Law Center, APC
Financial Relief Law Center, APC
1200 Main St Suite G
Irvine, CA 92614-6749

NewRez LLC d/b/a Shellpoint Mortgage Servi
The Wolf Firm
1851 East 1st. Street
Suite 100
Santa Ana, CA 92705-4036

NewRez LLC d/b/a Shellpoint Mortgage Servi
The Wolf Firm
2955 Main Street
Second Floor
Irvine, CA 92614-2528

PRPM 2021-3, LLC
Rushmore Loan Management Services
P.O. Box 55004
Irvine, CA 92619-5004

THE BANK OF NEW YORK MELLON FKA THE BANK OF
P.O. Box 10826
Greenville, SC 29603-0826

~~The Wuhrman Law Firm
12375 Mt Jefferson Terrace #8J
Lake Oswego, OR 97035-1471~~

Wells Fargo Bank, N.A.
c/o McCarthy & Holthus LLP
2763 Camino Del Rio South, Suite 100
San Diego, CA 92108-3708

~~Santa Ana Division
411 West Fourth Street, Suite 2030,
Santa Ana, CA 92701-4500~~

AmeriCredit/GM Financial
Attn: Bankruptcy
Po Box 183853
Arlington, TX 76096-3853

AmeriCredit/GM Financial
Po Box 181145
Arlington, TX 76096-1145

American Express
PO Box 297871
Fort Lauderdale, FL 33329-7871

American Express
PO Box 981540
El Paso, TX 79998-1540

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

(p)AMERICREDIT FINANCIAL SERVICES DBA GM FINAN
PO BOX 183853
ARLINGTON TX 76096-3853

Amex
Correspondence/Bankruptcy
Po Box 981540
El Paso, TX 79998-1540

Amex
P.o. Box 981537
El Paso, TX 79998-1537

Armstrong Flooring, Inc.
2500 Columbia Ave Bldg 701
Lancaster, PA 17603-4117

Ashley Funding Services, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Bank of America
4909 Savarese Circle
F11-908-01-50
Tampa, FL 33634-2413

Bank of America
PO Box 45224
Jacksonville, FL 32232-5224

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

Bank of America, N.A.
P O Box 982284
El Paso, TX 79998-2284

Bank of New York Mellon
101 Barclay St
4W
New York, NY 10286-0001

Bayview Financial Loan
4425 Ponce De Leon Blvd
Coral Gables, FL 33146-1873

Bayview Financial Loan
Attn: Bankruptcy Dept
4425 Ponce De Leon Blvd. 5th Floor
Coral Gables, FL 33146-1873

Belmont Carpets and Wood Flooring
1310 S State College Blvd.
Anaheim, CA 92806-5707

Cassandra & Michael Mckain
c/o Burkhalter Kessler Clemente
2020 Main Street, Suite 600
Irvine, CA 92614-8226

c/o Creditors Bankruptcy Service
PO Box 740933
Dallas, TX 75374-0933

CitiMortgage, Inc.
Cenlar FSB
425 Phillips Blvd
Ewing, NJ 08618-1430

Citibankna
Citibank Corp/Centralized Bankruptcy
Po Box 790034
St. Louis, MO 63179-0034

Citibankna
Po Box 6181
Sioux Falls, SD 57117-6181

Deutsche Bank National Trust Company
c/o Select Portfolio Servicing, Inc.
P.O. Box 65250
Salt Lake City, UT 84165-0250

Discover Bank
8665 Gibbs dr, Ste 150
San Diego CA 92123-1739

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

(p)DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

Diversified Association Managment
180 E Main Street
Suite 101
Tustin, CA 92780-4428

FRANCHISE TAX BOARD
BANKRUPTCY SECTION MS A340
PO BOX 2952
SACRAMENTO CA 95812-2952

Franchise Tax Board
PIT Bankruptcy MS: A-340
PO Box 2952
Sacramento, CA 95812-2952

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

JPMorgan Chase Bank
780 Kansas Lane, Suite A
Monroe, LA 71203

NewRez LLC DBA Shellpoint Mortgage Servicing
PO Box 10826
Greenville, SC 29603-0826

Robert Aubrey Miller
26356 Vintage Wood Road, Apt 13E
Lake Forest CA 92630-7209

~~Robert Aubrey Miller
26356 Vintage Woods Road Apt 13E
Lake Forest CA 92630-7209~~

~~Robert Aubrey Miller, III
26356 Vintage Woods Road, Apt. 13E
Lake Forest, CA 92630-7209~~

Ronald and Danielle Hasso
4814 Timberline Dr
Austin TX 78746-5631

Rushmore Loan Management Services
PO Box 55004
Irvine, CA 92619-5004

Select Portfolio Servicing, Inc
10401 Deerwood Park Blvd
Jacksonville, FL 32256-5007

Select Portfolio Servicing, Inc
Attn: Bankruptcy
Po Box 65250
Salt Lake City, UT 84165-0250

Shellpoint Mortgage Servicing
PO Box 619063
Dallas, TX 75261-9063

Syncb/Care
c/o P O Box 965036
Orlando FL 32896-5036

Syncb/hhgreg
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896-5060

Syncb/hhgreg
Po Box 965036
Orlando, FL 32896-5036

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk VA 23541-1021

Synchrony Bank/Chevron
Attn: Bankruptcy Dept
Po Box 965060
Orlando, FL 32896-5060

Synchrony Bank/Chevron
Po Box 965015
Orlando, FL 32896-5015

Synchrony Bank/TJX
Attn: Bankruptcy Dept
Po Box 965060
Orlando, FL 32896-5060Synchrony Bank/TJX
Po Box 965015
Orlando, FL 32896-5015~~United States Trustee (SA)
411 W Fourth St., Suite 7160
Santa Ana, CA 92701-4500~~VW Credit Inc
2333 Waukegan Rd
Deerfield, IL 60015-5508(p)WELLS FARGO
P O BOX 9210
DES MOINES IA 50306-9210Wells Fargo Bank
Credit Bureau Dispute Resolution
PO Box 14517
Des Moines, IA 50306-3517Wells Fargo Bank
P O Box 94435
Albuquerque MN 87199-4435Wells Fargo Bank, N.A.
Small Business Lending Division
P.O. Box 29482
Phoenix, AZ 85038-9482Wells Fargo Bank, N.A.
c/o Wells Fargo Bank, N.A.
Default Document Processing
MAC# N9286-01Y
1000 Blue Gentian Road
Eagan MN 55121-7700Wells Fargo Home Mor
Attn: Written Correspondence/Bankruptcy
Mac#2302-04e Pob 10335
Des Moines, IA 50306Wells Fargo Home Mor
Po Box 10335
Des Moines, IA 50306-0335~~Andy C Warshaw
Financial Relief Law Center, APC
1200 Main Street
Ste #C
Irvine, CA 92614-6749~~~~Arnold H. Wuhrman
The Wuhrman Law Firm
12375 Mt. Jefferson Ter., Ste. 8J
Lake Oswego, OR 97035-1471~~Kathy D Gorski
3408 Lavender Lane
Costa Mesa, CA 92626-1670Michael A Gorski
3408 Lavender Lane
Costa Mesa, CA 92626-1670Robert Aubrey Miller III
26356 Vintage Woods Rd
Lake Forest, CA 92630-7277Robert P Goe
GOE FORSYTHE & HODGE LLP
18101 Von Karman
Suite 1200
Irvine, CA 92612-7119

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).

Americredit Financial Services, Inc.
Dbas GM Financial
P.O Box 183853
Arlington, TX 76096Bank of America
Po Box 982238
El Paso, TX 79998Chase Card Services
Attn: Bankruptcy
Po Box 15298
Wilmington, DE 19850(d)Chase Card Services
Po Box 15298
Wilmington, DE 19850(d)Discover Financial
Attn: Bankruptcy Department
Po Box 15316
Wilmington, DE 19850(d)Discover Financial
Po Box 15316
Wilmington, DE 19850Wells Fargo
Mac X2505-036
Po Box 10438
Des Moines, IA 50306

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

(u)Courtesy NEF

(u)Seven Gables Real Estate

(u)Steven Gables Real Estate

(u)U.S. Bank Trust National Association, as T

(d)Cassandra and Michael McKain
c/o Burkhalter Kessler Clemente
2020 Main Street, Suite 600
Irvine, CA 92614-8226

(d)Ronald and Danielle Hasso
4814 Timberline Drive
Austin TX 78746-5631

(d)THE BANK OF NEW YORK MELLON FKA THE BANK O
P.O. Box 10826
Greenville, SC 29603-0826

(d)Vw Credit Inc
2333 Waukegan Rd
Deerfield, IL 60015-5508

(u)Mary M Giacchino
Seven Gables Real Estate

End of Label Matrix	
Mailable recipients	77
Bypassed recipients	9
Total	86