

Debtor(s).

**Location:** Courtroom 5D, 411 West Fourth Street, Santa Ana, California 92701

**Overbid procedure (if any):**

Please see attached overbid procedures

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

December 20, 2016 at 2:30 p.m.  
Courtroom 5D  
411 West Fourth Street  
Santa Ana, CA 92701

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

Faye C. Rasch  
LOBEL WEILAND GOLDEN FRIEDMAN LLP  
650 Town Center Drive, Suite 950  
Costa Mesa, CA 92626  
Telephone: (714) 966-1000  
Facsimile: (714) 966-1002  
Email: frasch@lwgfllp.com

Date: 11/29/2016

1 **I. PROPOSED OVERBID PROCEDURES**

2 The Trustee proposes and requests approval of the following procedure to allow for  
3 overbids prior to the Court's approval of the sale of the Property to ensure that the Property is sold  
4 for the best possible price:

5 1. Qualifying bidders ("Qualifying Bidder") shall:

6 a. Bid at least \$255,000.00 in cash for the Property;

7 b. Set forth in writing the terms and conditions of the offer that are at least as  
8 favorable to the Trustee as those set forth in the Sale Agreement;

9 c. Be financially qualified and submit proof of such qualification, in the  
10 Trustee's exercise of his sound business judgment, to close the sale as set forth in the Sale  
11 Agreement;

12 d. Submit an offer that does not contain any contingencies to closing the sale,  
13 including, but not limited to, financing contingencies;

14 e. Submit a cash deposit of \$7,650.00 (the "Overbid Deposit") payable to  
15 Jeffrey I. Golden, Chapter 7 Trustee for the Bankruptcy Estate of Loan Nguyen, in the form  
16 of a cashier's check, which Overbid Deposit shall be non-refundable if the bid is deemed to  
17 be the Successful Bid, as defined in paragraph 4 below. The Overbid Deposit, written offer,  
18 and evidence of financial qualification must be delivered to the Trustee's counsel at or  
19 before the hearing currently set for December 20, 2016 at 2:30 p.m. The Trustee's counsel's  
20 address is listed in the upper left hand corner of page 1 of this Motion.

21 2. At the hearing on the Motion, only the Buyers and any party who is deemed a  
22 Qualifying Bidder shall be entitled to bid.

23 3. Any incremental bid in the bidding process shall be at least \$1,000.00 higher than  
24 the prior bid.

25 4. At the hearing on the Motion and upon conclusion of the bidding process, the  
26 Trustee shall decide, subject to Court approval, which of the bids is the best bid, and such bid shall  
27 be deemed to be the "Successful Bid." The bidder who is accepted by the Trustee as the successful  
28 bidder (the "Successful Bidder") must pay all amounts reflected in the Successful Bid in cash at the

1 closing of the sale. At the hearing on the Motion, and upon conclusion of the bidding process, the  
2 Trustee may also acknowledge a back-up bidder (the "Back-Up Bidder") which shall be the bidder  
3 with the next best bid. Should the Successful Bidder fail to close escrow on the sale of the Property  
4 within fourteen (14) days of entry of the order granting this Motion, the Trustee may sell the  
5 Property to the Back-Up Bidder without further Court order.

6 5. Overbids shall be all cash and no credit shall be given to the purchaser or over  
7 bidder(s).

## 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:

650 Town Center Drive, Suite 950, Costa Mesa, CA 92626

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)* 11/29/2016, 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)* \_\_\_\_\_, 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)* 11/29/2016, 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.

Via Personal Delivery

The Honorable Catherine Bauer, U.S. Bankruptcy Courtroom 5D, 411 W. Fourth Street, Santa Ana, CA 92701

☐ 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.

11/29/2016

Lindsay Fisk

*Date*

*Printed Name*

/s/ Lindsay Fisk

*Signature*

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

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