

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>Thomas A. Vogele, Esq. (SBN 254557)                  Brendan M. Loper, Esq. (SBN 282198)                  Thomas Vogele &amp; Associates, APC                  3199 Airport Loop Drive, Suite A3                  Costa Mesa, California 92626                  Tel: (714) 641-1232                  Fax: (888) 391-4105                  Email: tvogele@tvalaw.com</p> <p><input type="checkbox"/> Individual appearing without attorney  <input checked="" type="checkbox"/> Attorney for: debtor Coute &amp; Co.</p>	<p>FOR COURT USE ONLY</p>
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<p><b>UNITED STATES BANKRUPTCY COURT                  CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</b></p>	
<p>In re:                  COUTE &amp; CO., a California General Partnership,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 8:14-bk-11001-TA                  CHAPTER: 11</p> <p style="text-align: center;"><b>NOTICE OF SALE OF ESTATE PROPERTY</b></p>

<p><b>Sale Date:</b> 05/13/2015</p>	<p><b>Time:</b> 10:30 am</p>
<p><b>Location:</b> 411 West 4th Street, Santa Ana, California, 92701, Courtroom 5B</p>	

**Type of Sale:**  Public  Private      **Last date to file objections:** 04/29/2015

**Description of property to be sold:** APN 426-133-07  
 Located at 165 22nd Street, Costa Mesa, CA 92627, legal description: "THE NORTHWESTERLY 50 FEET OF THE SOUTHEASTERLY 455.20 FEET OF THE NORTHEASTERLY 135.05 FEET OF LOT 282 NEWPORT HEIGHTS, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4, PAGE 83, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY."

**Terms and conditions of sale:**  
 \$22,200.00 cash or certified funds must be deposited with debtor's counsel no later than five (5) business days prior to the sale hearing. Anyone interested in bidding must be a qualified bidder, as that term is defined in the attached overbid procedures.

**Proposed sale price:** \$ 740,000.00

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 overbid procedures on Attachment A

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

May 13, 2015  
10:30 a.m.  
411 West 4th Street  
Santa Ana, CA 92701  
Courtroom 5B

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

Thomas A. Vogele  
Thomas Vogele & Associates, APC  
3199 Airport Loop Drive, Suite A-3  
Costa Mesa, CA 92626  
TEL: (714) 641-1232  
FAX: (888) 391-4105  
EMAIL: tvogele@tvalaw.com

Date: 04/20/2015

ATTACHMENT A

OVERBID PROCEDURES

a. Only Qualified Bidders may submit an overbid. A "Qualified Bidder" is one who provides a financial statement and such business and banking references as are required in Debtor's reasonable discretion, sufficient to assure Debtor of the bidder's ability (based on availability of financing, experience or other conditions) to consummate the purchase of the Subject Property, AND one who can consummate the purchase of the Subject Property on the same terms and conditions, other than price, as those proposed in the Purchase Offer.

b. Each bid must be received by the Debtor and the Debtor's counsel no later than five (5) business days prior to the hearing on this Motion.

c. The initial overbid must exceed the original Purchase Offer by a minimum of Seven Thousand, Five Hundred U.S. dollars (\$7,500). For instance, the first bid must be at least Seven Hundred Forty Seven Thousand and Five Hundred U.S. dollars (\$747,500). Each subsequent bid must then be in increments of at least Five Thousand U.S. dollars (\$5,000). For instance, the first subsequent bid must be at least Seven Hundred Fifty Two Thousand and Five Hundred U.S. dollars (\$752,500).

d. Each bid must be all cash, non-contingent, and on the same terms and conditions, other than price, as those proposed in the Purchase Offer.

e. Each bidder must match all terms and conditions of the original bid. Thus, an "earnest money" deposit of at least \$22,200 must be made. Said deposit must be received by the Debtor by no later than five (5) business days prior to the hearing on this Motion. Said deposit must be in cash, cashier's check, certified check or irrevocable letter of credit, and must be deposited with the Debtor so that the Debtor will have access to said funds no later than three (3) business days prior to the hearing on this Motion.

f. Should a bidder fail to qualify for financing or timely close escrow, the \$22,200 deposit is non-refundable.

g. If a successful overbid is accepted and confirmed by the Court by a party other than the Proposed Buyer, the successful overbidder is to reimburse the Proposed Buyer up to \$750 for costs expended to complete their due diligence on the Subject Property. In such a case, the Proposed Buyer will be required to submit proof of expenditures to the successful bidder prior to reimbursement.

**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:  
**3199 Airport Loop Drive, Suite A3, Costa Mesa, California 92626**

A true and correct copy of the foregoing document described **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 indicated below:

**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On 4/20/2015 checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

- Michelle R Ghidotti on behalf of Capital One, N.A. mghidotti@ghidottilaw.com
- Clinton Hubbard on behalf of Brent Miler roberth@realtylawfinance.com
- Elizabeth A Lossing on behalf of U.S. Trustee elizabeth.lossing@usdoj.gov
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- Andrew Kussmaul on behalf of Specialized Loan Servicing, LLC Andrew.Kussmaul@BuckleyMadole.com; john.rafferty@buckleymadole.com

Service information continued on attached page

**II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL** (indicate method for each person or entity served):

On 4/20/2015 served the following person(s) and/or entity(ies) at the last known address(es) 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/or with an overnight mail service 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

**III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served):

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 4/20/2015, I served the following person(s) and/or entity(ies) by personal delivery, 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 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 of America that the foregoing is true and correct.

4/20/15

Angela Brown

/s/ Angela Brown

In re: COUTE &amp; CO.

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**VIA OVERNITE EXPRESS**

Judge Theodor Albert  
 United States Bankruptcy Court  
 Central District of California  
 Ronald Reagan Federal Building and Courthouse  
 411 West Fourth Street, Suite 5040 / Courtroom 5B  
 Santa Ana, CA 92701-4593

OneWest Bank, FSB  
 P.O. Box 829009  
 Dallas, Texas 75382-9009

Orange County Tax Collector  
 POB 1438  
 Santa Ana, CA 92702

**VIA US MAIL**

UNITED STATES TRUSTEE (SA)  
 411 West Fourth Street, Suite 9041  
 Santa Ana, CA 92701-8000

Specialized Loan Servicing, LLC  
 8742 Lucent Blvd, Suite 300  
 Highlands Ranch, Colorado 80129

Bank of America  
 PO Box 5170  
 Simi Valley, CA 93062

The Bank of New York Mellon, et al  
 c/o Prober & Raphael  
 Attornys For Secured Creditor  
 P.O. Box 4365  
 Woodland Hills, CA 91365-4365

Capital One  
 PO Box 21887  
 Saint Paul, MN 55121

Wells Fargo  
 PO Box 10335  
 Des Moines, IA 50306

Capital One, N.A.  
 PO Box 17000  
 Baltimore, MD 21297

Wells Fargo Bank National Association,  
 C/O OneWest Bank, FSB  
 P.O. Box 829009  
 Dallas, Texas 75382-9009

County of Orange  
 P.O. Box 4515  
 Santa Ana, CA 92702-4515  
 Attn: Bankruptcy Unit

Wells Fargo Bank, N.A.  
 Home Equity Group  
 1 Home Campus X2303-01A  
 Des Moines, IA 50328-0001

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

IndyMac  
 6900 Beatrice Drive  
 Kalamazoo, MI 49009

IRS  
 P.O. Box 7346  
 Philadelphia, PA 19101

Lianne Oakes, EA  
 1400 Quail St., #220  
 Newport Beach, CA 92660