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☐ Individual appearing without attorney  
☒ Attorney for: Debtor and Debtor-in-Possession

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

CASE NO.: 8:17-bk-11370-CB  
CHAPTER: 11

## NOTICE OF SALE OF ESTATE PROPERTY

**Debtor(s).**

**Sale Date: 10/25/2017**

Time: 10:00 am

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

**Last date to file objections: 10/11/2017**

374 Amory, Manchester, New Hampshire

The property is being sold "as-is", no representations or warranties of any kind, express or implied, in its present condition, including substantial fire damage, substantial problems with retaining wall, and issues with respect to city permits, free and clear of liens, claims and interest, subject to bankruptcy court approval

**Proposed sale price: \$ 30,000.00**

**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:**

October 25, 2017 at 11:00 am  
Courtroom 5D  
411 West Fourth Street  
Santa Ana, California 92701

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

Beth E. Gaschen  
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650 Town Center Drive, Suite 950  
Costa Mesa, CA 92626  
Telephone: (714) 966-1000  
Facsimile: (714) 966-1002  
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Date: 10/05/2017

The Debtor proposes the following procedure to allow for:

1. Qualifying bidders ("Qualifying Bidder") shall:
  - a. Bid at least \$35,000 in cash for the Amory Property;
  - b. Set forth in writing the terms and conditions of the offer that are at least as favorable to the Debtor as those set forth in the Purchase Agreement attached as Exhibit "1" to the Motion including that the sale be "as-is," and without representation or warranty;
  - c. Be financially qualified, in the Debtor's exercise of his sound business judgment, to close the sale as set forth in the Purchase Agreement;
  - d. Submit an offer that does not contain any contingencies to closing the sale, including, but not limited to, financing, inspection, or repair contingencies;
  - e. Submit a cash deposit for the Amory Property in the amount of \$10,000 (the "Overbid Deposit") payable to the Debtor (and to be held by counsel to the Debtor) in the form of a cashier's check, which Overbid Deposit shall be non-refundable if the bid is deemed to be the Successful Bid, as defined in paragraph 4 below. The Overbid Deposit, written offer, and evidence of financial qualification must be delivered to the Debtor's counsel (at the address shown in the upper left-hand corner of the first page of this Notice) on or before 5:00 p.m. (PST) on October 24, 2017 (the evening prior to the sale hearing currently set for October 25, 2017, at 10:00 a.m.).
2. At the hearing on the Motion, only the Buyer and any party who is deemed a Qualifying Bidder shall be entitled to bid.
3. Any incremental bid in the bidding process shall be at least \$2,500 higher than the prior bid.

4. At the hearing on the Motion and upon conclusion of the bidding process, the Debtor shall decide, subject to Court approval, which of the bids is the best bid, and such bid shall be deemed to be the "Successful Bid." The bidder who is accepted by the Debtor as the successful bidder (the "Successful Bidder") must pay all amounts reflected in the Successful Bid in cash at the closing of the sale. At the hearing on the Motion, and upon conclusion of the bidding process, the Debtor may also acknowledge a back-up bidder (the "Back-Up Bidder") which shall be the bidder with the next best bid. Should the Successful Bidder fail to close escrow on the sale of the Amory Property, the Debtor may sell the Amory Property to the Back-Up Bidder without further Court order.

5. Overbids shall be all cash and no credit shall be given to the purchaser or overbidder(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: **AMENDED 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 **October 5, 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:

☒ Service information continued on attached page

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

On **October**, **2017**, 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 **October 5, 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.

☐ Service information continued on attached page

Via Personal Delivery by Attorney Service

The Honorable Catherine E. Bauer  
United States Bankruptcy Court  
Central District of California  
Ronald Reagan Federal Building and Courthouse  
411 West Fourth Street, Courtesy Bin  
Santa Ana, CA 92701-4593

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

10/5/2017  
Date

:Lori Gauthier  
Printed Name

/s/ Lori Gauthier  
Signature

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

- **Julian K Bach** Julian@Jbachlaw.com, julianbach@sbcglobal.net
- **Frank Cadigan** frank.cadigan@usdoj.gov
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- **Sonia Singh** ss@dgdk.com, DanningGill@gmail.com,SSingh@ECF.Inforuptcy.com
- **Douglas G Tennant** dtennant@frankel-tennant.com
- **United States Trustee (SA)** ustregion16.sa.ecf@usdoj.gov