

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Richard L. Barnett, Esq. SBN 89015 Barnett & Rubin, A Professional Corporation 5450 Trabuco Road Irvine, CA 926920 Tel: (949) 261-9700 Fax: (949) 261-9799 <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtors	FOR COURT USE ONLY
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

In re: Mariano Mendoza and Mercedes Mendoza, Debtor(s).	CASE NO.: 8:17-bk-11662-TA CHAPTER: 11 NOTICE OF SALE OF ESTATE PROPERTY
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Sale Date: 03/20/2018	Time: 10:00 am
Location: 411 West Fourth Street, Courtroom 5B, Santa Ana, CA 92701	

Type of Sale: ☐ Public ☒ Private **Last date to file objections:** 03/20/2018

Description of property to be sold:
Residence located at 623 N. Fairmont, Santa Ana, CA 92701

Terms and conditions of sale:
\$540,000.00 net purchase price after \$5,000.00 closing cost credit to Buyers . Buyer to close escrow on March 26, 2018 or upon entry of Court Order approving sale.

Proposed sale price: \$ 545,000.00

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 attached proposed overbid procedures.

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

Property to be sold free and clear of Abstract lien of Norbert Foigelman Trust subject to Debtors' request for authority to pay the same in Debtors' discretion without further Court order.

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

Richard L. Barnett
Barnett & Rubin, A Professional Corporation
5450 Trabuco Road
Irvine, CA 92620
rick@banrettrubin.com
Tel: (949) 261-9700
Fax: (949) 261-9799

Date: 03/09/2018

PROPOSED OVERBID PROCEDURES

In order to obtain the highest and best offer for the benefit of the creditors of this Estate, Debtors propose the Buyers' offer be subject to overbid. Notice is being provided of the opportunity for overbidding to all interested parties in this matter and required Local Rule Form 6004-2 is being filed with the clerk.

Debtors request that the Court approve the following overbid procedures:

- a. Only qualified bidders may submit an overbid. A "qualified bidder" is one who provides evidence of available funds and/or pre-qualification for any loan upon which the bidder will rely in funding the bid, a financial statement, and such business and banking references as are required in Debtors' reasonable discretion sufficient to assure Debtors of the bidder's ability (based upon availability of financing, experience or other conditions) to consummate the purchase of the Rental Property, AND one who can consummate the purchase of the Rental Property on the same terms and conditions, other than price, as those proposed in the purchase agreement.
- b. Each bid must be all cash to the Estate, non-contingent, and upon the same terms and conditions, other than price, as those proposed in the purchase agreement. Overbids will be evaluated based upon a base-line offer of \$545,000.00, assuming a full commission of 5%.
- c. All interested bidders must contact Debtors' counsel no later than 7 days prior to the hearing scheduled for this Motion and provide proof of funds and/or loan qualification to allow Debtors sufficient time to confirm that proof. Debtors' counsel's contact information is set forth on page 1 of this Motion.

d. The initial minimum overbid must be at least \$10,000.00 over the base-line offer of \$545,000.00 or \$555,000.00. Subsequent bidding increments shall be \$1,000.00, or such increments as the Court may establish.

e. A qualified bidder must agree to pay into escrow, in addition to the purchase price, an amount up to \$1,500.00 for the reimbursement of the actual case-related expenses of Buyer (including inspection and appraisal fees), pursuant to an appropriate demand and subject to Debtors' review and approval prior to distribution.

f. A qualified bidder must be prepared to make an "earnest money" deposit of \$25,000.00 before confirmation of the sale by the Court. Debtors will not request confirmation of any bid without the deposit. Such payment to be by way of prior wire transfer to Debtor's counsel's trust account or tender of a cashier's check to Debtors counsel not later than the commencement of bidding.

g. A qualified bidder must be prepared to close escrow within ten (10) court days following the hearing on the Motion, with the remaining sales proceeds transferred to escrow in time to confirm the funds before closing. All funds must be wire-transferred by arrangement with Debtors' counsel.

Appearance at the hearing may be in person or by telephone. The Court's telephonic appearance procedures are attached hereto as Exhibit "A."

The foregoing procedures will provide for an orderly completion of the sale of the Rental Property by permitting all buyers to compete on similar terms and will allow interested parties and the Court to compare competing bids in order to realize the highest and best benefit for the Estate.

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:

5450 Trabuco Road, Irvine, CA 92620

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) 03/09/2018, 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) 03/09/2018, 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.

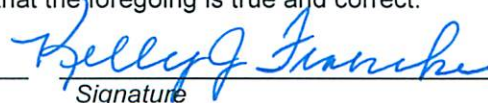
☒ Service information continued on attached page

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) _____, 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

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

03/09/2018 KELLY J. FRANCKE
Date Printed Name


Signature

**IN RE: MENDOZA
U.S. BANKRUPTCY COURT CASE NO. 8:17-bk-11662-TA**

PROOF OF SERVICE LIST

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 March 9, 2018, 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:

- **Richard L Barnett** rick@barnettrubin.com, kelly@barnettrubin.com
- **Christopher L Blank** clblank@pacbell.net
- **Frederic J DiSpigna** fdispigna@mlg-defaultlaw.com, bkecf@mlg-defaultlaw.com
- **Dane W Exnowski** dane.exnowski@mcalla.com, bk.ca@mcalla.com
- **Daniel K Fujimoto** wdk@wolffirm.com
- **Laurie Howell** laurie.howell@tflglaw.com
- **Elan S Levey** elan.levey@usdoj.gov, louis.lin@usdoj.gov
- **Queenie K Ng** queenie.k.ng@usdoj.gov
- **Donna T Parkinson** donna@parkinsonphinney.com
- **Paul V Reza** pvr1789@gmail.com, PVRLaw@gmail.com
- **United States Trustee (SA)** ustpreion16.sa.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL: On March 9, 2018, 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

Onyinya Anyama
Anyama Law Firm
18000 Studebaker Road Ste 325
Cerritos, CA 90703

Mariano and Mercedes Mendoza
962 N. Morgan Street
Orange, CA 92867

Rosalva Olivarría
Rosalva Olivarría Brokerage
505 N Tustin Ave Ste 215
Santa Ana, CA 92705

U.S. Small Business Administration
Attn: Dace Pavlovskis
330 N. Brand Blvd., Suite 1200
Glendale, CA 91203

Bayview Loan Servicing, LLC
Bankruptcy Department
PO Box 840
Buffalo, NY 14240-0840

Bank of America, N.A.

PO Box 31785
Tampa, FL 33631

Salomon Estrada

Silvia Estrada Trujillo

c/o Rosalva Olivarría
Rosalva Olivarría Brokerage
505 N Tustin Ave Ste 215
Santa Ana, CA 92705

Judge's copy:

Hon. Theodor C. Albert

U. S. Bankruptcy Court
Ronald Reagan Federal Building
411 West Fourth Street, Suite 5085
Santa Ana, CA 92701

Heather D. Bock

McCalla Raymer Leibert Pierce, LLC
1544 Old Alabama Road
Roswell, GA 30076