

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>RON BENDER (SBN 143364); rb@lnbyb.com BETH ANN YOUNG (SBN 143945); bry@lnbyb.com MONICA Y. KIM (SBN 180139); myk@lnbyb.com LEVENE, NEALE, BENDER, YOO & BRILL L.L.P. 10250 Constellation Blvd., Suite 1700 Los Angeles, CA 90067 (310) 229-1234 - tel (310) 229-1244 - fax www.lnbyb.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: David K. Gottlieb, Chapter 7 Trustee</p>	<p>FOR COURT USE ONLY</p>
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SAN FERNANDO VALLEY DIVISION**

<p>In re:</p> <p>DUANE DANIEL MARTIN AND TISHA CAMPBELL MARTIN,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 1:16-10045-VK CHAPTER: 7</p> <p style="text-align: center;">AMENDED NOTICE OF SALE OF ESTATE PROPERTY</p>
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<p>Sale Date: 09/12/2019</p>	<p>Time: 2:00 pm</p>
<p>Location: Ctrm 301, 21041 Burbank Blvd., Woodland Hills, CA 91367</p>	

Type of Sale: Public Private **Last date to file objections:** 09/09/2019

Description of property to be sold:
Real Property located at 22401 Summitridge Circle, Chatsworth, CA 91311

Terms and conditions of sale:
Sale of property to Angel Brinks for \$2,450,000, or overbidder, free and clear of all interests, liens and encumbrances. Sale is "as is, where as, with all faults" and all contingencies have been waived or expired. Sale is pursuant to a global settlement between Trustee, Duane Martin, Roxe', LLC and Michael Martin resolves two adversary proceedings. Full terms and conditions are set forth in the Counteroffer signed by the Trustee and Buyer, attached to the Motion.

Proposed sale price: \$ 2,450,000.00

Overbid procedure (if any):

Sale will be subject to overbids and overbid procedures are attached hereto as an Exhibit.

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

The Property is to be sold free and clear of all liens and interests including those of (1) TB Properties, LLC, (2) The Debtors' bankruptcy estate, (3) City National Bank, (4) Tisha Campbell Martin, and (5) Epps & Coulson, LLP.

The date, time and location of the hearing is September 12, 2019 at 2:00 p.m., in Courtroom 301, 21041 Burbank Blvd., Woodland Hills, CA 91367.

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

Beth Ann R. Young or Monica Y. Kim, Levene, Neale, Bender, Yoo & Brill L.L.P, 10250 Constellation Blvd., Suite 1700, Los Angeles, CA 90067, (310) 229-1234; bry@lnbyb.com; myk@lnbyb.com

Bill Friedman, Coldwell Banker Residential Brokerage, (213) 200-2500

Date: 08/22/2019

EXHIBIT

Overbid Procedures and Requirements

OVERBID PROCEDURES AND REQUIREMENTS

Sale of 22401 Summit Ridge Circle, Chatsworth, CA 91311 (“Family Home”)

Any buyer interested in submitting an overbid for the Family Home (“**Overbid**”) must, not later than 5:00 p.m. (Pacific time) on **SEPTEMBER 9, 2019** (“**Overbid Deadline**”), deliver such Overbid in writing to counsel for the Trustee (Beth Ann R. Young and Monica Y. Kim, Levene, Neale, Bender, Yoo & Brill L.L.P., 10250 Constellation Blvd., Suite 1700, Los Angeles, California 90067, Email: BRY@LNBYB.com and MYK@LNBYB.com, Facsimile: (310) 229-1244, in accordance with the requirements set forth below.

OVERBID PROCEDURES AND REQUIREMENTS

Any buyer interested in submitting an overbid for the Family Home (“**Overbid**”) must, not later than 5:00 p.m. (Pacific time) on **SEPTEMBER 9, 2019** (“**Overbid Deadline**”), deliver such Overbid in writing to counsel for the Trustee (Beth Ann R. Young and Monica Y. Kim, Levene, Neale, Bender, Yoo & Brill L.L.P., 10250 Constellation Blvd., Suite 1700, Los Angeles, California 90067, Email: BRY@LNBYB.com and MYK@LNBYB.com, Facsimile: (310) 229-1244, in accordance with the requirements set forth below.

1. **Overbid**. The Overbid in writing must: (a) state that the buyer’s purchase price for the Family Home is at least \$2,475,000.00, (b) state that the sale otherwise is on the same terms and conditions set forth in the Purchase Agreement attached to the Motion, and (c) confirm that all contingencies or conditions to the closing of the sale shall have been removed or satisfied other than the entry of an order approving the Motion by the Overbid Deadline.
2. **Overbid Package**. Each buyer submitting an Overbid must, by the Overbid Deadline: (a) deliver a deposit in the sum of \$98,500, in the form of a cashier’s check to the Trustee, so that such deposit is actually received by the Overbid Deadline, and (b) deliver to counsel for the Trustee proof of committed funds available to the bidder sufficient to enable such bidder to consummate the sale of the Family Home, which proof shall be in the form of a letter of credit, loan

commitment or other form acceptable to the Trustee in the Trustee's sole discretion. In the event that (i) the bidder fails to timely make the deposit, (ii) the bidder fails to timely provide proof of committed funds, or (iii) the Trustee determines, in his sole discretion, that the proof of funds provided to the Trustee by a bidder is unacceptable, the Trustee may, in his sole discretion, disqualify such bidder from participating in the auction. In the event that the Trustee exercises his discretion and disqualifies a bidder from participating in the auction, the deposit made by such bidder (if any) shall be returned to the bidder.

3. **Bidding At Auction.** If at least one qualified bidder who has submitted an Overbid appears at the auction, the Trustee shall designate what he determines, in his reasonable judgment, to be the best and highest Overbid received for the Family Home to be the leading bid at the auction. Thereafter, the Trustee shall solicit better and higher bids for the Family Home, in bidding increments of at least \$10,000.00, from the qualified bidders participating in the auction (including Angel Brinks, the buyer of the Family Home in the Motion, if she chooses to participate) until the best and highest bid for the Family Home has been determined by the Trustee. The qualified bidder who submits the second best/highest bid for the Family Home at the auction shall be designated as the backup bidder, if such bidder consents to act as the backup bidder.
4. **Backup Bidder:** In the event that the successful overbidder cannot timely complete the purchase of the Family Home, the Trustee shall be authorized to proceed with the sale of the Family Home to the backup bidder without further notice, hearing or order of the Court.
5. **Closing of Sale and Forfeiture of Deposits:** If the winning bidder fails to consummate the sale of the Family Home, the winning bidder will be deemed to have forfeited his/her/its deposit unless the Court or the Trustee agrees to provide the winning bidder with an extension of time to close the sale. If the winning bidder fails

to timely close and forfeits his/her/its deposit, the backup bidder (if any) will be notified and will then have the opportunity to consummate the sale of the Family Home. If the backup bidder fails to consummate the sale of the Family Home, the backup bidder will be deemed to have forfeited his/her/its deposit unless the Court or the Trustee agrees to provide such backup bidder with an extension of time to close the sale. The deposit of the backup bidder will be retained by the Trustee following the conclusion of the auction and will be returned to the backup bidder on the earlier to occur of (i) the closing by the winning bidder of his/her/its purchase of the Family Home or (ii) the failure of the backup bidder to close for any reason.

PROOF OF SERVICE OF DOCUMENT

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I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

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 **August 22, 2019**, 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:

- Marshall J August maugust@frandzel.com, rsantamaria@frandzel.com
- Shradha Bharatia notices@becket-lee.com
- Russell Clementson russell.clementson@usdoj.gov
- Dawn M Coulson dcoulson@eppscoulson.com, cmadero@eppscoulson.com
- Joseph R Dunn jrdunn@mintz.com, docketing@mintz.com;tlmayo@mintz.com
- Alan W Forsley alan.forsley@flpllp.com, awf@fklawfirm.com,awf@fl-lawyers.net,addy.flores@flpllp.com
- Joshua P Friedman jfriedman@jpfassociates.com
- David Keith Gottlieb (TR) dktrustee@dkgallc.com, dgottlieb@iq7technology.com,rjohnson@dkgallc.com,akuras@dkgallc.com
- Gail B Greenberg gbgreenberg@verizon.net
- Carl Grumer cgrumer@manatt.com, mchung@manatt.com;fstephen@manatt.com
- Stella A Havkin stella@havkinandshrago.com, havkinlaw@earthlink.net;r49306@notify.bestcase.com
- Monica Y Kim myk@lnbrb.com, myk@ecf.inforuptcy.com
- Jeffrey S Kwong jsk@lnbyb.com, jsk@ecf.inforuptcy.com
- Tricia L Legittino tlegittino@frandzel.com, sking@frandzel.com
- David W. Meadows david@davidwmeadowslaw.com
- Aron M Oliner roliner@duanemorris.com
- John L. Smaha jsmaha@smaha.com, jteague@smaha.com;gbravo@smaha.com
- Lindsey L Smith lls@lnbyb.com, lls@ecf.inforuptcy.com
- United States Trustee (SV) ustpregion16.wh.ecf@usdoj.gov
- Beth Ann R Young bry@lnbyb.com

2. SERVED BY UNITED STATES MAIL: On **August 22, 2019**, 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

1 **3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR**
2 **EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR,
3 on **August 22, 2019**, I served the following persons and/or entities by personal delivery, overnight mail
4 service, or (for those who consented in writing to such service method), by facsimile transmission and/or
5 email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight
6 mail to, the judge will be completed no later than 24 hours after the document is filed.

7 **Served by Attorney Service**
8 Hon. Victoria S. Kaufman
9 United States Bankruptcy Court
10 21041 Burbank Boulevard, Suite 354 / Courtroom 301
11 Woodland Hills, CA 91367

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

14	<u>August 22, 2019</u>	<u>Stephanie Reichert</u>	<u>/s/ Stephanie Reichert</u>
15	<i>Date</i>	<i>Type Name</i>	<i>Signature</i>

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