

David M. Goodrich dgoodrich@go2.law Chapter11 Trustee 3070 Bristol Street, Suite 640 Costa Mesa, California 92626 Telephone: 714.966-1000 Facsimile: 714.966-1002  <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Chapter11 Trustee	
<b>UNITED STATES BANKRUPTCY COURT</b> <b>CENTRAL DISTRICT OF CALIFORNIA – SAN FERNANDO VALLEY DIVISION</b>	
In re:  LINDA EZOR SWARZMAN          Debtor.	CASE NO.: 1:23-bk-10270-VK CHAPTER: 11  <b>NOTICE OF SALE OF ESTATE PROPERTY</b>

<b>Sale Date:</b> January 25, 2024	<b>Time:</b> 1:30 p.m
<b>Location:</b> Courtroom 301, United States Bankruptcy Court, 21041 Burbank Blvd., Woodland Hills, CA 91367	

**Type of Sale:** ☒ Public ☐ Private **Last date to file objections:** January 11, 2024

**Description of property to be sold:** *1 Del Sol Court, Baytown, Texas 77521*

**Terms and conditions of sale:** The Trustee seeks an order approving the sale (“Sale”) of the property located at 1 Del Sol Court, Baytown, Texas 77521 on the terms and conditions set forth in the Purchase Agreement (“Agreement”) for \$272,000.00. The property is being sold on an “as is, where is” basis, with no warranties, recourse, contingencies, or representations of any kind.

**Proposed sale price:** \$272,000.00

**Overbid procedure:** 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:**

January 25, 2024

1:30 p.m.

Courtroom 301

United States Bankruptcy Court

21041 Burbank Blvd., Woodland Hills, CA 91367

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

David M. Goodrich

Chapter 7 Trustee

*dgoodrich@go2.law*

3070 Bristol Street, Suite 640

Costa Mesa, CA 92626

Telephone: (714) 966-1000

Facsimile: (714) 966-1002

DATED: January 3, 2023

### **PROPOSED OVERBID PROCEDURES**

#### **1. Intent to Bid and Overbid Amount**

Any party wishing to bid on the Property ("Overbidder") shall advise the Trustee of their intent to bid on the Property and the amount of their overbid (which must be at least \$282,000.00) ("Initial Overbid"), by no later than 12:00 p.m., PDT, two business days before the hearing on the motion ("Overbid Deadline"). In his absolute and sole discretion, the Trustee shall have the right to accept additional overbids submitted prior to the hearing but after the Overbid Deadline. Any Overbids subsequent to the Initial Overbid of \$282,000.000 will be in additional increments of not less than \$10,000.00.

#### **2. Payment of Deposit**

Any Overbidder shall provide the Trustee with a cashier's check, payable to "David M. Goodrich, Chapter 11 Trustee of the Bankruptcy Estate of Linda Ezor Swarzman," in the amount of \$28,000.00 ("Deposit"). The Deposit must be received by the Trustee (whose name and address is set forth on the upper left corner of the first page of this Motion) by no later than the Overbid Deadline.

In the event of any Overbid, the \$28,000.00 deposit from the Buyer or successful Overbidder shall serve as the Deposit for the Buyer or any successful Overbidder. The party that is not deemed the "Winning Bidder," at that phrase is defined below, shall have its deposit refunded to him/her/it.

#### **3. Evidence of Financial Ability to Perform**

Any Overbidder must provide the Trustee with evidence of the proposed Overbidder's financial ability to pay the full amount of the Overbid so that such evidence is received by the Trustee no later than the Overbid Deadline.

#### **4. Auction**

All parties who have submitted timely bids and otherwise satisfied the foregoing requirements will be able to participate in an auction to be conducted at the hearing on the Motion as is necessary in order to

increase their bid. The Initial Overbid will be in the amount of \$282,000.00 and any subsequent overbids will be in increments of \$5,000.00.

The Trustee will request authority to sell the Property to the bidder with the highest Overbid ("Winning Bidder"), and for authority to sell the Property to the next highest bidder if the Winning Bidder fails to perform. To be considered the "highest overbid," any overbid must be on the same terms and conditions as the Purchase Agreement.

Parties wishing to bid on the Property at the Sale hearing may appear by telephone or, if applicable, Zoom. Parties are advised to check the Court's hearing procedures to determine if the Court allows appearances by Zoom or Courtcall. To arrange for a telephone appearance by Courtcall, parties must contact Courtcall in advance of the hearing.

**5. Tender of Balance of Purchase Price**

The Winning Bidder's Deposit shall be applied towards the total purchase price. The Winning Bidder must tender the balance of the total purchase price to the Trustee via cashier's check within fourteen (14) calendar days following entry of the order approving the Sale of the Property to such buyer. To the extent the Winning Bidder fails to tender the balance of the purchase price by such date, that bidder's entire Deposit shall be non-refundable and forfeited to the Trustee.

**6. Agreement to Terms and Overbid Procedures**

Any Overbidder's tender of the Deposit to the Trustee shall serve as that Overbidder's agreement with these proposed Overbid Procedures and the terms of sale of the Property discussed herein.