

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION

FILED

2004 OCT -7 PM 2:12

DANIEL M. LAVILLE, CLERK  
U.S. BANKRUPTCY COURT  
WEST. DIST. OF MICH.

In Re:

SFORZA ENTERPRISES, LLC and  
SFORZA VENEER-AMERICA, INC.,

Debtors.

Case No. HG 04-08715  
Chapter 11  
Ancillary Proceedings  
Hon. Jeffrey R. Hughes

**MOTION TO SELL 2002 JEEP LIBERTY AND TO SHORTEN THE TWENTY-DAY  
NOTICE TO PARTIES IN INTEREST**

NOW COMES Sforza Enterprises, LLC and Sforza Veneer-America, Inc. (collectively, the "Debtors"), through their court-appointed Debtor-In-Possession, Dr. Fabrizio Mancini ("DIP"), and his counsel, Varnum, Riddering, Schmidt & HowlettLLP, pursuant to Bankruptcy Code § 363 and the Federal Rules of Bankruptcy Procedure 2002, and hereby show unto this Court as follows:

1. On August 13, 2004 this Court entered an Order granting relief under § 304, which Order appointed the DIP and created a bankruptcy estate for the Debtors identical to that provided in § 541 of the Bankruptcy Code.

2. Included among the assets in this bankruptcy is a 2002 Jeep Liberty sport utility vehicle, bearing VIN: 1J4GL48K72W174290, with 39,837 miles on the odometer (hereinafter "Vehicle"), titled to Debtor, Sforza Veneer-America, Inc.. The Vehicle has a 3.7 liter V6 engine, automatic transmission, four-wheel drive, air conditioning, power steering, luggage rack, compact disc player, power windows, door locks and mirrors. DIP has valued the Vehicle at \$10,200.

3. DIP, since early September 2004, has been soliciting offers for the Vehicle and no party will be prejudiced by shortening the time of Notice of Sale. DIP has solicited offers from

**ORIGINAL**

43 independent car dealers in Kalamazoo County and Kent County on September 8, 2004, and September 13, 2004.

4. Gezon Motors, Inc., of 3985 Plainfield NE, Grand Rapids, MI 49525, has offered to purchase the Vehicle for the sum of \$10,200.00 cash.

5. The aforesaid Vehicle is subject to a security interest by DaimlerChrysler Services North America LLC ("DaimlerChrysler") in the amount of \$4,579.87. The offer received from Gezon Motors, Inc, in the amount of \$10,200 is substantially in excess of DaimlerChrysler's secured claim.

6. The Vehicle will be offered for sale in one (1) lot, with an opening bid by Gezon Motors, Inc. of \$10,200.00. Thereafter, bidding will be in increments of no less than \$100.00 with the initial over-bid to be at least \$10,500.00.

7. The sale is to be made on a cash basis with the successful bidder being required to tender to the DIP the amount of the purchase price immediately after the sale has been approved by the Bankruptcy Court. Contingent bids will not be received.

8. The DIP shall have the right to refuse to recommend confirmation of any bid which does not, in his judgment, assure a reasonable monetary return to the estate. Prospective purchasers may examine and inspect the Vehicle on Wednesday, October 20, 2004, between 11:00 a.m. and 12:00 noon, at 2900 North Ridge Drive, N.W., Walker, Michigan.

9. The sale of this Vehicle shall be made "AS IS" without representation of warranty, express or implied, of any kind, nature, or description including, without limitation, any warranty by description of merchantability, or of fitness for any particular purpose. The seller shall not be required to inspect, test, or report on the condition of the property being sold or of the existence of any possible defects in the same. Furthermore, the DIP makes no

representations or warranties concerning whether or not this Vehicle is road-worthy or otherwise in running condition.

10. The above Vehicle shall be sold free and clear of any liens or claims thereon with the interest of any party asserting a lien or claim thereon attaching to the sale proceeds in the same order of rank, validity and priority as they presently may exist against such property. All expenses for custody, protection and insurance of this Vehicle, as well as expenses of sale, including administrative, and all legal expenses of the bankruptcy proceeding relating to the protection and sale of said Vehicle, shall be charged against the sale proceeds with priority over all claims except as hereinafter provided. The successful bidder shall have three (3) days to remove this Vehicle from its present location.

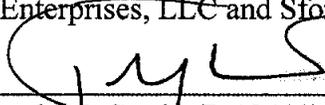
11. DIP believes the sale of said Vehicle, to Gezon Motors, Inc., or to such other party who may submit a higher offer thereon, is in the best interest of the creditors in this estate, and that such proposed sale should be noticed to all creditors herein and other interested parties.

WHEREFORE, Dr. Mancini prays for an Order:

- A. Shortening the time for notice of the sale and scheduling the sale hearing for October 21, 2004 at 1:30 p.m.;
- B. Confirming the sale to the high bidder; and
- C. For such other and further relief as the Court may deem just.

Respectfully submitted,

VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP  
Counsel for Dr. Fabrizio Mancini, Debtor-In-Possession  
for Sforza Enterprises, LLC and Sforza Veneer-America, Inc.

By:   
Timothy J. Curtin (P-12410)

Business Address:  
Bridgewater Place - P.O. Box 352  
Grand Rapids, MI 49501-0352  
Telephone: (616) 336-6000

Date: October 7, 2004

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION

**FILED**  
2004 OCT -7 PM 3:44  
JONEL M. LAVILLE CLERK  
U.S. BANKRUPTCY COURT  
WEST. DIST. OF MICH.

In Re:

SFORZA ENTERPRISES, LLC and  
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Debtors.

Case No. HG 04-08715  
Chapter 11  
Ancillary Proceedings  
Hon. Jeffrey R. Hughes

**NOTICE OF DEBTOR-IN-POSSESSION'S INTENT TO SELL 2002 JEEP LIBERTY**

PLEASE TAKE NOTICE that Dr. Fabrizio Mancini, the court-appointed Debtor-In-Possession, has filed a Motion, Pursuant to § 363(b) and § 363(f) for an Order Authorizing the Debtor, Sforza Veneer-America, Inc., to Sell Certain Personal Property Free and Clear of Liens and Other Interests generally as follows:

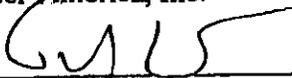
1. The Debtor-In-Possession is seeking approval of the sale of a 2002 Jeep Liberty sport utility Vehicle, bearing VIN: 1J4GL48K72W174290, with 39,837 miles on the odometer (hereinafter "Vehicle"). The Vehicle has a 3.7 liter V6 engine, automatic transmission, four-wheel drive, air conditioning, power steering, luggage rack, compact disc player, power windows, door locks and mirrors.
2. The Vehicle will be offered for sale on October 21, 2004, at 1:30 p.m., in one (1) lot with bidding commencing in the amount of \$10,200.00. Thereafter, bidding will be in increments of no less than \$100.00 with the initial over-bid to be at least \$10,500.00.
3. The property will be sold "AS IS, WHERE IS," free and clear of all Liens and Claims, as defined in the Motion. To the extent that any such Liens and Claims exist, the same shall attach to the proceeds of the sale, with the same validity, rank, and priority as now exist in the property.
4. Any response or objection by a party in interest must be filed in writing with the United States Bankruptcy Court for the Western District of Michigan, P.O. 3310, Grand Rapids, Michigan 49501, with copies of the same being served upon Timothy J. Curtin, Varnum, Riddering, Schmidt & Howlett LLP, P.O. Box 352, Grand Rapids, Michigan 49501-0352, such that they are received at least two (2) days prior to the hearing on the Motion.
5. Any person who desires additional information may review the Motion on file with the Bankruptcy Court Clerk's Office, or may contact Timothy J. Curtin at (616) 336-6000.
6. A hearing will be held on October 21, 2004, at 1:30 p.m., in the United States Bankruptcy Court, in Courtroom No. 758 on the 7th Floor of the Gerald R. Ford Federal

Building, 110 Michigan Street, N.W., Grand Rapids, Michigan, to consider confirmation of the proposed sale, and any objections thereto.

7. Notice is hereby given that the Court may, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally-scheduled hearing, information regarding the time, date, and place of an orally-continued or adjourned hearing may be obtained at the Clerk's office from the court files or the docket.

Dated: October 7, 2004.

VARNUM, RIDDERING, SCHMIDT & HOWLETT<sup>LLP</sup>  
Counsel for Dr. Fabrizio Mancini, Debtor-In-Possession of  
Sforza Veneer-America, Inc.

By: 

Timothy J. Curtin (P-12410)

Business Address:

Bridgewater Place - P.O. Box 352

Grand Rapids, MI 49501-0352

Telephone: (616) 336-6000

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION

In Re:

SFORZA ENTERPRISES, LLC and  
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Debtors.

Case No. HG 04-08715  
Chapter 11  
Ancillary Proceedings  
Hon. Jeffrey R. Hughes

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**ORDER SHORTENING NOTICE OF SALE**

At a session of said Court, held in and for said District, City of Grand Rapids, Michigan, on the \_\_\_\_ day of October, 2004.

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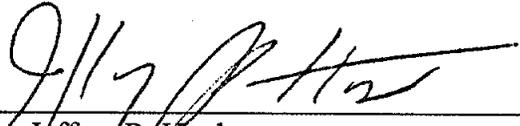
PRESENT: Hon. Jeffrey R. Hughes  
U.S. Bankruptcy Judge

The Debtor-In-Possession, Dr. Fabrizio Mancini, for the above-noted Debtors, having filed a Motion to authorize the sale of a certain 2002 Jeep vehicle and to shorten the time for notice in connection with the same; it appearing to the Court that cause exists for the shortening of the time of notice of the sale; it further appearing to the Court that scheduling the hearing on the sale for the same date as the hearing previously scheduled for the sale of real property in this case will serve the goal of economical administration of the proceedings; Now, Therefore,

IT IS ORDERED that the time for notice of the sale is shortened to ten (10) days.

IT IS FURTHER ORDERED that the hearing on the sale of the vehicle shall be scheduled for **October 21, 2004, at 1:30 p.m.**

IT IS FURTHER ORDERED that notice of the proposed sale shall be given to the parties previously served with notices in these proceedings, including the U.S. Trustee and all parties claiming an interest in the vehicle, as well as upon the Buyers List, and all parties who have previously made an offer upon such vehicle.

  
\_\_\_\_\_  
Hon. Jeffrey R. Hughes  
United States Bankruptcy Judge

Prepared by and Return for Service to:  
Timothy J. Curtin, Esq.  
Varnum, Riddering, Schmidt & Howlett LLP  
Bridgewater Place - P.O. Box 352  
Grand Rapids, MI 49501-0352

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40