

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

in re:

Chris Dale & Lorie Ann Humphreys

Case Number: SG04-08164
Ch. 7

Debtor(s)/

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Notice is given that a hearing will be held before the Hon. Jo Ann C. Stevenson at the U.S. Bankruptcy Court, 740 Federal Building, 110 Michigan Ave., Grand Rapids, Michigan at 10:00 a.m. on October 12, 2004 to consider and act upon the following matter:

TRUSTEE'S MOTION TO SELL 2001 HARLEY-DAVIDSON MOTORCYCLE

If you want the court to consider your views on this matter, attend the hearing on the date stated above.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)

You or your attorney may wish to file a written response to the motion explaining your position. Any response shall be mailed to the Clerk of the United States Bankruptcy Court, Post Office Box 3310, Grand Rapids, Michigan 49501, and should be received by the Clerk at least 3 (three) days before the above hearing date.

If you or your attorney do not take these steps, the court may decide to grant the relief sought in the motion and may enter an order granting relief requested.

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 docket.

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A copy of this notice returned by the court (kmt) on September 22, 2004 to Larry A. VerMerris, Esq. for service upon the matrix. Court to serve Buyer's List.



September 22, 2004

DANIEL M. LAVILLE
CLERK OF BANKRUPTCY COURT

Kathleen M. Trapp

Kathleen M. Trapp, Deputy Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

2004 SEP 22 PM 3:27
TAYLORVILLE CLERK
BANKRUPTCY COURT
WEST. DIST. OF MICH.

In the Matter of:

Chris D. Humphreys and Lorie Ann Humphreys,
Debtors.

Case No. SG 04-08164
(Chapter 7)
Case Filed: June 30, 2004

TRUSTEE'S MOTION TO SELL 2001 HARLEY-DAVIDSON MOTORCYCLE

NOW COMES THOMAS A. BRUINSMA, Chapter 7 Trustee herein, by and through his attorneys, Day & Sawdey, P.C., pursuant to Bankruptcy Code § 363 and Federal Rules of Bankruptcy Procedure 6004 and 9019, and shows unto this Court as follows:

1. Your Movant is the duly-appointed, qualified and acting Chapter 7 Trustee in the above-entitled case, which was commenced through the filing of a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on June 30, 2004.
2. Included among the assets in this estate is a 2001 Harley-Davidson Road King motorcycle, being model no. FLHRCI and bearing VIN: 1HD1FRW121Y658122, with approximately 13,000 miles on the odometer (hereinafter "motorcycle"), which the Debtors have valued at \$12,500.00.
3. Chris and Lorie Humphreys ("Humphreys"), Debtors herein, of 2050 Dick Road, Ionia, Michigan 48846, have offered to purchase the motorcycle for the sum of \$11,000.00 cash.
4. The aforesaid motorcycle is held free and clear of any liens or claims, to the best of the Trustee's knowledge, save for the claim of Independent Bank (hereinafter "Bank") which has consented to a discharge of its lien as not being properly perfected. Consequently, its lien, at a minimum, is in bona-fide dispute, if it exists at all.
5. This motorcycle will be offered for sale in one (1) lot with bidding commencing at the amount of the

bid of the Humphreys; i.e. \$11,000.00. Thereafter, bidding will be in increments of no less than \$200.00 with the initial bid to be at least \$11,500.00.

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

7. The Trustee 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 make arrangements for examination and inspection of this motorcycle by contacting the Trustee's counsel, at the address which appears at the foot of this Motion.

8. The sale of this motorcycle shall be made on an "AS-IS, WHERE-IS" basis, without representation or warranty, express or implied, of any kind, nature, or description including without limitation, any warranty by description or of merchantability, usability, or of fitness for any particular purpose. The seller shall not be required to inspect or test or report on the condition of the property being sold or of the existence of any possible defects in the same. The Trustee further makes no representations or warranties concerning whether or not this motorcycle is road-worthy or otherwise in running condition.

9. The above motorcycle 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 of custody, protection and insurance of this motorcycle as well as expenses of sale, including administrative and all legal expenses of the bankruptcy proceeding relating to the protection and sale of said motorcycle 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 motorcycle from its present location, whereafter any additional storage costs shall be the responsibility of the buyer. (This last provision shall not apply if the Debtors are the successful purchaser.)

10. Your Movant believes the sale of said motorcycle, as aforesaid, to the Humphreys, 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, your Movant prays that the creditors herein be ordered to object and otherwise show cause, on a time and date certain, why this motorcycle should not be sold, as aforesaid, to the Humphreys, or to such other party who may make a higher bid thereon; why he should not be allowed to execute a bill of sale and motor vehicle certificate of title so as to transfer title to the motorcycle to the successful purchaser; and why he should not have such other and further relief as this Court might deem just, equitable and proper.

Dated: September 22, 2004

DAY & SAWDEY, P.C.
Attorneys for Trustee

By 
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