

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

IN RE:

RONALD, SR. & MARY K. WIESSNER  
Debtors/

CASE NO.: SK04-01123

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

TRUSTEE'S MOTION FOR SALE OF REAL ESTATE  
RE: 8099 WEST LONG LAKE DRIVE,  
PAVILLION / KALAMAZOO, MICHIGAN 49001

The attached motion has been filed with the Bankruptcy Court. **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.)

If you want the court to consider your views on this matter, attend the hearing scheduled for September 13, 2004 at 10:00 a.m. at the United States Bankruptcy Court, 740 Federal Building, 110 Michigan Ave., Grand Rapids, Michigan.

You or your attorney may wish to file a written response explaining your position. Such response should be **received** at least three business days prior to the scheduled hearing, and should be mailed to the United States Bankruptcy Court, P.O. Box 3310, Grand Rapids, Michigan 49501. A copy should also be mailed to the party who has filed the motion and to his/her attorney.

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

Notice returned to Stephen L. Langeland, Trustee, via FAX for service of notice, motion and order shortening notice upon all creditors and parties in interest appearing on the Court's mailing matrix. (Court to serve Buyers' List) (September 1, 2004-jm)

September 1, 2004  
date

DANIEL M. LAVILLE  
CLERK OF BANKRUPTCY COURT

COPY  
BY: Jackie Malone, Deputy Clerk



NOTICE IS HEREBY GIVEN that the court may, at 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 of docket #

FILED  
2004 MAR 31 AM 9:48  
DANIEL J. STEVENSON, CLERK  
U.S. BANKRUPTCY COURT  
WEST. DIST. OF MICH.

UNITED STATES BANKRUPTCY COURT

FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

RONALD WIESSNER, SR. AND  
MARY K. WIESSNER,

Case No.: SK 04-01123  
Chapter 7  
Hon. Jo Ann C. Stevenson  
Filed: February 3, 2004

**TRUSTEE'S MOTION FOR SALE OF REAL ESTATE**

Stephen L. Langeland, ("Trustee") moves for a sale of real property of the estate pursuant to 11 U.S.C. Section 363 as follows:

1. He is the duly appointed and acting Chapter 7 trustee in this case filed under Chapter 7 on February 3, 2004.

2. Included in the property in this estate is the following described real property of the debtor: commonly known as 8099 West Long Lake Drive, Pavillion/Kalamazoo, Michigan 49001 (herein "Real Estate"):

**Supervisors Plat of Solomon Park, Lots 12, 13, as recorded with the Register of Deeds.**

3. That upon information and belief, the Trustee believes that the Real Estate has a value of between \$165,000.00 and \$175,000.00. This information is based on discussions with the realtor who has done a market analysis of the property and who has listed the property. The debtors have valued the property at \$120,000.00..

4. That upon information and belief the Trustee believes that the property is subject to a first motion held by Fifth Third Bank and a second secured mortgage held by Fifth Third Bank. The balances on the two mortgages are approximately \$88,000.00 and will be paid off in full at closing.

5. That Trustee has received and accepted an Offer to Purchase the Real Estate by Timothy J. Vargason and Lori A. Vargason, husband and wife for the sum of \$170,000 which the trustee believes that the maximum value of the property as suggested by the Trustee's Realtor's market analysis. In addition, this sum is \$50,000.00 more that the debtors' stated value for the property and that it is in the best interest of the estate to sell the property at this price. Selling the property at this price will result in the pay off of both mortgages on the property and after payment of closing costs and of the debtors' exemptions in the property, there will be a net estate available to Creditors of approximately \$30,000.00

6. The proposed purchasers have no relationship to the debtors, the Trustee, the estate or any other party of interest in this matter. The Trustee believes that this is a sales transaction of disinterested persons.

7. The Trustee proposes that the Real Estate be offered for sale in open Bankruptcy Court on the following terms:

a) Upon the terms set forth in the Real Estate Buy and Sell Agreement attached hereto and incorporated herein by this reference.

b) Bidding will commence at \$171,000.00 with subsequent bids of not less than \$1,000.00.

c) The purchase price for the property shall be paid in cash or certified check at closing with the successful bidder being required to make payment in full at the closing.

d) The Real Estate will be sold on an "as is" "where is" basis, without representation or warranty, express or implied, of any kind, nature or description, including, but not limited to any warranty be description or marketability, merchantability or usability or a fitness for any purposes.

e) The Trustee shall not be required to inspect or test or report on the condition of the real estate or the existence of any possible defects in the real estate or contamination of the real estate.

f) The sale shall be consummated by delivery to the purchaser of a Trustee's Deed to the property without warranty of title.

g) Purchaser shall be entitled to possession on the date of closing. In the event that the debtors have not vacated the premises and possession is delayed beyond the date of closing, the debtors will pay the Purchaser a penalty of \$75.00 per day for their failure to deliver timely possession. The penalty may be assessed by the Trustee against any claims of exemption that the debtors may have in the sale proceeds.

h) The above described real estate shall be sold free and clear of all liens, encumbrances, claims and/or interest therein pursuant to 11 U.S.C. Section 363(f), including those of Fifth Third Bank, with said liens, encumbrances, claims and/or interests attaching to the sale proceeds of the same order, validity, rank, and priority of notice in the real estate and all taxes that are a lien on the described property shall be paid as directed by the Bankruptcy Court. Any tax which becomes a lien on the property after the date of the Order Confirming Sale shall be paid by the Purchaser, and there shall be no pro-ration of the current years' real estate taxes.

i) The expenses of custody, protection and insurance or sale of Real Estate as well as expenses of sale, including administrative and legal expenses of these proceedings relating to the protection of sale of said Real Estate, shall be charged against the sale proceeds with priority of the lien creditors of the claimants.

j) Arrangements for inspection of the real estate to be sold can be made by contacting Stephen L. Langeland, Trustee, 350 E. Michigan Avenue, Ste. 130, Kalamazoo, Michigan 49007, telephone 269/382-3703.

k) Any person objecting to the validity, proprietary or legality and/or having any

objection of any kind to the sale as described herein, shall file a written objection to the sale on or before five (5) business days before the date set for the hearing on this Motion and simultaneously serve copies on the attorney for the Trustee and the Trustee at the addresses listed in this Motion, in accordance with Federal Rule of Bankruptcy Procedure 6004(b).

8. The Trustee reserves the right to withdraw this Motion at any time prior to completion of the hearing thereon and the Trustee reserves the right to recommend rejection of this offer to the Court if a higher bid is received at the hearing on confirmation of the sale.

9. The Trustee believes that the sale of the Real Estate pursuant to the terms herein is in the best interest of the estate and its Creditors.

**WHEREFORE**, Stephen L. Langeland, Trustee, prays:

A. That this Court authorize the sale of the Real Estate by the terms and conditions set forth herein to Timothy J. Vargason and Lori A. Vargason, husband and wife, for the sum of \$170,000.00, giving the debtors credit for their exemption claim as herein stated, or to any other purchaser who may pay additional sums as may be bid at the sale;

B. That the Trustee be authorized to execute a Trustee's Deed or such other conveyance document in conformance with the within terms.

C. That the Trustee be authorized, without further order of this Court, to pay the costs and expenses needed in order for closing to take place.

D. For any other or further relief that this Court finds just and equitable.

Dated: August 30, 2004

  
Stephen L. Langeland, Trustee

Drafted By:

Stephen L. Langeland, P.C.  
350 E. Michigan Avenue, Ste. 130  
Kalamazoo, MI 49007  
269/382-3703

FILED  
2004-02-03 11:09:48  
DANIEL J. STEVENSON  
U.S. BANKRUPTCY COURT  
WESTLAND, MICHIGAN

UNITED STATES BANKRUPTCY COURT

FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

RONALD WIESSNER, SR. AND  
MARY K. WIESSNER,

Case No.: SK 04-01123  
Chapter 7  
Hon. Jo Ann C. Stevenson  
Filed: February 3, 2004

**EX-PARTE MOTION FOR ORDER SHORTENING NOTICE**  
**RE TRUSTEE'S MOTION FOR SALE OF REAL PROPERTY OF THE ESTATE**

NOW COMES Stephen L. Langeland, Trustee ("Trustee") and for his Motion says as follows:

1. That this Motion to Shorten Notice pertains to the above Chapter 7 proceeding which was filed on February 3, 2004.

2. That your Trustee is the appointed and acting Chapter 7 Trustee with respect to this matter.

3. That your Trustee has this date filed a Motion for Authority to Sell Property of the Estate ("Sale Motion") seeking to sell a certain real property of the estate.

4. That time is of the essence with respect to the need for the Court to promptly consider a Sale Motion for the following reasons:

A. The Sales Agreement signed by the Trustee requires that a closing be held on or before September 27, 2004.

B. That in order to give the notice required by Fed. R. Bankr. P. 2002(a)(2), the hearing on the Trustee's Motion for Authority to Sell the Property of the Estate would have to be held after September 20, 2004.

C. That the Court's next scheduled Motion day after September 20, 2004 is, October 18, 2004 which is after the date for closing as set out in the sales agreement

5. That this Court does have a motion day scheduled for September 13, 2004. If the Court would allow the notice in this matter to be shortened to 10 days, then there would be sufficient time to notice the Trustee's Motion for Sale of Real Estate for hearing on September 13, 2004.

6. That it is appropriate that this Court grant this Motion to Shorten Notice on an ex-parte basis for the following reasons:

A. That since there is no available hearing date that would allow the Trustee to give a full 20 days notice, the hearing in this matter would have to be on the October 18, 2004 motion date which is after the date specified for closing in the Sales Agreement.

B. The Trustee believes that even with the shortened notice there will be sufficient notice to other interested parties who may be interested in bidding on this asset.

C. That upon information, the Trustee believes that this Court's next Motion day available will be September 13, 2004. The granting of this Motion to Shorten Notice forthwith will facilitate a sale and closing of the property on or before September 7, 2004.

**WHEREFORE**, the Trustee requests that this Court enter its Order shortening the Notice required to allow the Court hearing to be held on the motion day of September 13, 2004 in Grand Rapids, Michigan, and that this Court grant such other relief as it determines to be just and equitable.

Dated: August 30, 2004

  
\_\_\_\_\_  
Stephen L. Langeland, Trustee

THIS DOCUMENT DRAFTED BY:

Stephen L. Langeland, Trustee  
350 E. Michigan Avenue, Ste. 130  
Kalamazoo, MI 49007