

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

IN RE:

DEBRA M. BURCHAM  
10915 6 Mile Rd.  
Battle Creek, MI 49014

CASE NO.: HK03-02884  
CHAPTER 7

Debtor(s)/

**NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST**  
**MOTION FOR AUTHORITY TO SELL PROPERTY OF THE ESTATE**  
**(1993 Redman Eaton mobile home located at 10915 6 Mile Road, Battle Creek, MI)**

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 to be held before the Hon. Jeffrey R. Hughes on September 23, 2004 at 12:30 p.m. at the United States Bankruptcy Court, Room 114, U.S. Courthouse & Federal Bldg., 410 W. Michigan Avenue, Kalamazoo, Michigan.

You or your attorney may wish to file a written response explaining your position. Such response should be received at least three days prior to the scheduled date of hearing, and should be mailed to the United States Bankruptcy Court, P.O. Box 3310, Grand Rapids, MI 49501-3310. A copy should also be mailed to the party filing 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.

**PLEASE NOTE:** 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.

A copy of this notice & the motion returned to Paul F. Davidoff, Esq., P.O. Box 51066, Kalamazoo, MI 49005 for service of same upon all parties listed on the matrix not less than twenty (20) days prior to the date of the hearing. (08/31/04--slc)

The court will make service upon it's Buyers' List.

August 31, 2004  
DATE



DANIEL M. LAVILLE  
CLERK OF BANKRUPTCY COURT

COPY

BY: Sandra L. Crouch, Deputy Clerk

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UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN-SOUTHERN DIVISION

FILED  
2004 AUG 30 AM 8:  
U.S. BANKRUPTCY COURT  
WEST. DIST. OF MICH.

IN RE:

Debra M. Burcham,

File No. HK 03-02884

Chapter 7

Hon. Jeffrey R. Hughes

Debtor.

MOTION FOR AUTHORITY TO SELL PROPERTY OF THE ESTATE

NOW COMES Thomas C. Richardson, Trustee, by his attorneys, Paul F. Davidoff, P.C. and moves this Court as follows:

1. That Thomas C. Richardson is the duly appointed, qualified and acting Trustee of the captioned bankruptcy estate.

2. That the Debtor filed a Chapter 7 proceeding herein on March 6, 2003.

3. That included in the property of this estate is a parcel of real estate and the Debtor's 1993 Redman Eaton mobile home, Serial No. 11283352, located at 10915 6 Mile Road, Battle Creek, MI 49014 and the Trustee has received an offer to purchase the real estate and mobile home from Angela Moore of 5695 Glenn Cross Rd., Apt. U-5, Battle Creek, MI 49015 for the sum of \$74,900.00 cash.

4. That the Trustee commenced an adversary proceeding against Nationscredit Financial Service Corp., (Nationscredit,) the holder of an alleged unperfected security interest in the Debtor's 1993 Redman Eaton mobile home. In settlement of the pending adversary proceeding, the Trustee and Nationscredit have agreed that the value of the real estate alone is worth \$20,000.00, and the Trustee has agreed to pay \$20,000.00 to Nationscredit from the net sale proceeds, and the remainder of the net sale proceeds will be retained by the Trustee for the benefit of this estate and its creditors. Nationscredit will be entitled to file an unsecured claim for its deficiency and participate in the distribution along with all other unsecured creditors. The settlement with Nationscredit shall be in full and final settlement of any and all claims the Trustee may have against Nationscredit.

5. Based on the fact that Nationscredit's lien is in bona fide dispute, the real estate and attached mobile home are being sold free and clear of the disputed lien pursuant to 11 U.S.C. §363(f)(4).

6. That it is in the best interest of this estate and its creditors that the said real estate be offered for sale at public auction in open court at the earliest possible date, subject to the following terms and conditions:

A. PROPERTY. The real estate and mobile home are located at 10915 6 Mile Road, Battle Creek, MI 49014 , and is legally described as follows:

\*legal description

B. BIDDING. Bidding will commence at \$76,000.00, with subsequent bids in increments of not less than \$500.00. The sale is on a cash basis, with the successful bidder, other than Angela Moore, being required to make a non-refundable deposit with the Trustee in the sum of \$2,500.00 upon conclusion of the sale. No contingent bids shall be received. Closing shall take place on or before October 8, 2004, and the total balance of the bid price shall be paid at closing. Any prospective bidder must submit evidence of financeability in the form of bank letter of credit or letter confirming loan approval to the Trustee no later than three (3) days prior to the sale date in order to qualify to bid at the sale.

C. TERMS. The real estate will be sold on an "AS IS, WHERE IS" basis, without representation of warranty, express or implied, of any kind, nature, or description, including, without limitation, any warranty by description, or merchantability, useability, or of fitness for any purpose. The Trustee shall not be required to inspect or test or report on the condition of the real property or the operability of the real property or the existence of any possible defects in the real property.

All real estate taxes which are a lien against the described real estate shall be paid out of the sale proceeds as an expense of sale. Any tax which becomes a lien on said real estate after the date of sale shall be paid by the purchaser, and the 2004 real estate taxes shall be prorated to the date of closing. The purchaser will receive title insurance. The sale shall be consummated by the delivery to the purchaser of a Trustee's Deed without warranty of title.

The Trustee will pay up to \$5,183.00 of the purchaser's down payment, prepaid assistance, points, and/or other closing costs. In order to expedite closing as soon as possible, the stay provisions of Fed. R. Bankr. P. 6004(g) shall be set aside as null and void.

The described real estate shall be sold free and clear of all liens, encumbrances, and/or claims therein, with said liens, encumbrances, and/or claims attaching to the sale proceeds, in the same order of validity, rank, and priority as now exists in the said real estate. **Any and all liens, claims and encumbrances shall be discharged when a copy of a subsequent Order Confirming Sale entered by this Court is recorded along with the Trustee's Deed in the Register of Deeds office.**

The expenses of custody, protection, insurance of the property, as well as expenses of the sale, including administrative and all legal expenses of these proceedings relating to the protection and sale of said property shall be charged against the sale

proceeds with priority over all claims.

D. REALTORS COMMISSION. The offer which the Trustee has received is subject to a commission of seven (7%) percent to be paid to Re/Max Perrett Associates, Inc., Realtor conditioned on the consummation of the sale.

E. INSPECTION. Arrangements for inspection of the real estate can be made by contacting Chip Spranger of Re/Max Perrett Associates, Inc., Realtor, 121 Capital Ave., N.E., Battle Creek, MI 49017, telephone (269) 968-6101.

6. The Trustee requests that a Notice of Hearing and a copy of the Motion be served by ordinary mail upon all parties listed on the Court's matrix filed herein, the persons named in the Buyers List on file with this Court and upon the following:

Robert J. Pleznac, Esq., 622 W. Lovell, Kalamazoo, MI 49007;  
Nationscredit Financial Service Corp. , c/o Orleans Associates, P.C., P.O. Box 5041, Troy, MI 48007;  
Angela Moore, 5695 Glenn Cross Rd., Apt. U-5, Battle Creek, MI 49015;  
Re/Max Perrett Associates, Inc., Realtor, Attn: Chip Spranger ,121 Capital Ave., N.E., Battle Creek, MI 49017;  
Office of the U.S. Trustee, 330 Ionia NW, Suite 202, Grand Rapids, MI 49503;  
Thomas C. Richardson, Trustee, P. O. Box 51067, Kalamazoo, MI 49005-1067;  
Paul F. Davidoff, P.C., Attys. for the Trustee, P. O. Box 51066, Kalamazoo, MI 49005.

7. The Trustee requests that any party objecting to this sale file a written objection with the Bankruptcy Court Clerk, P. O. Box 3310, Grand Rapids, MI 49501, and serve a copy upon Paul F. Davidoff, P.C., Attorneys for the Trustee, P. O. Box 51066, Kalamazoo, MI 49005, at least three (3) days prior to the scheduled hearing. Any creditors or other parties in interest wishing to bid on the property shall make such bids at the hearing on this Motion.

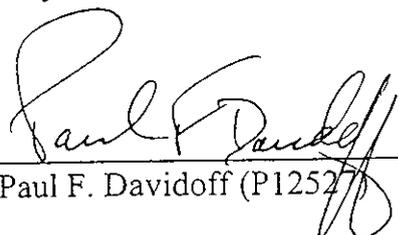
**WHEREFORE**, the Trustee requests that this Court enter an Order Confirming Sale of the within real estate on the terms and conditions set forth above, to Angela Moore of Battle Creek, Michigan for the sum of \$74,900.00, or to such other purchaser for such additional sums as may be bid at the hearing in open Court, that Thomas C. Richardson, Trustee be authorized to take such steps and execute such documents as are reasonably necessary to implement and effectuate said sale, and that the Court grant such further relief as may be just and equitable under the circumstances.

Dated: August 25, 2004

BUSINESS ADDRESS:  
P.O. Box 51066  
Kalamazoo, MI 49005  
(269) 388-2100

PAUL F. DAVIDOFF, P.C.  
Attorneys for Thomas C. Richardson, Trustee

By:

  
Paul F. Davidoff (P12527)