

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

IN RE:

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DOLORES MARIE DOMBROUSKI  
Debtor/

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CASE NO.: DT05-12566

**NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST**

**TRUSTEE'S MOTION TO SELL REAL PROPERTY**

Please take notice that the above-referenced 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 October 21, 2009 at 10:00 a.m. at the United States Bankruptcy Court, **3249 Racquet Club Dr., Logan Place West, Off South Airport Road, Traverse City, Michigan.**

You or your attorney may wish to file a response explaining your position. Such response should be **received** at least five business days prior to the scheduled hearing. A copy should also be served upon 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.

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Notice returned to Troy Stewart for service of notice and motion upon matrix. (Court to serve Buyers' List).  
(September 11, 2009-jm)



September 11, 2009

DANIEL M. LAVILLE  
CLERK OF BANKRUPTCY COURT

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/s/

BY: Jackie Malone, Deputy Clerk

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 new hearing date. 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 accessed through the Bankruptcy Court's web site ([www.miwb.uscourts.gov](http://www.miwb.uscourts.gov)) provided the person has a PACER login and password, or by visiting the Clerk's Office of the United States Bankruptcy Court located at One Division Avenue North, 2nd Floor, Grand Rapids, Michigan 49503. Information about a PACER login and password may be obtained by either calling PACER service center between 8:00 a.m. and 5:00 p.m. Monday through Friday, CST at (800) 676-6856 or via its web site at <http://pacer.pcs.uscourts.gov>.

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

In re:

DOLORES MARIE DOMBROUSKI,

Case No. 05-12566

Debtor.

Chapter 7

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**TRUSTEE'S MOTION TO SELL REAL PROPERTY**

Now comes James W. Boyd, the duly appointed Chapter 7 Trustee in this matter, by and through his counsel, Troy W. Stewart of the law firm of Zimmerman, Kuhn, Darling, Boyd, Quandt and Phelps, PLC, and in support of his Motion to Sell Real Property states as follows:

1. The Debtor filed a Voluntary Petition for Relief pursuant to Chapter 7 of the Bankruptcy Code on September 7, 2005.

2. Property of the Bankruptcy Estate includes the real property located at 2582 Michigan Avenue, Freesoil, Michigan which is more fully described as follows:

The West Half (W1/2) of Lot 1, Block H and also commencing at the Northeast corner of Lot 1, Block H, thence West 82 feet to pob, thence North 12 feet, thence West 50 feet, thence South 12 feet, thence East 50 feet to pob, Section 22, Township 20 North, Range 16 West, Village of Freesoil, Mason County, Michigan.

3. Pursuant to an Order dated December 4, 2008, entered in Adversary Proceeding No. 07-80415 (Boyd v Dombrowski), the Debtor and her ex-spouse had a period of six (6) months from the date of the Order in which to attempt to sell the Freesoil property and if the Debtor and Defendant were unable to sell said property, the Trustee/Bankruptcy Estate shall be allowed to sell the Freesoil property. The Debtor and her ex-spouse were unable to sell the property within the time period specified by the Court's December 4, 2008 Order.

4. The Trustee intends to sell the real property for Six Thousand (\$6,000.00) Dollars to David and Patricia Bigelow, husband and wife, W314 S6276 Dable Road, Mukwonago, Wisconsin. This bid was solicited by the Trustee's Court-approved auctioneer via a sealed bid auction, subject to Court approval. Further, the sale is subject to higher bids prior to or at the hearing to be set by the Bankruptcy Court pursuant to paragraph 9 of this Motion.

5. The Trustee believes that the sale will provide a dividend to creditors and is in the best interest of the Estate, given the condition of the real property.

6. The property shall be sold “AS IS, WHERE IS” without any representations of warranties, express or implied, of any kind, nature or description, including, without limitation, any warranty of title or merchantability, useability, or of fitness for any particular purpose.

7. This sale shall be conducted pursuant to 11 USC §363 and the property shall be sold free and clear of all interests, liens and encumbrances. To the extent that any such interests, liens or encumbrances exist, the same shall attach to the proceeds of the sale in their present order, rank and priority. To the best of the Trustee’s knowledge, the subject real property is owned free and clear of any interests, liens and encumbrances.

8. Upon closing, the Trustee shall pay normal closing costs, real estate taxes pro-rated to the date of closing, transfer taxes and title insurance costs. In addition, the Trustee shall pay auctioneer fees in the amount of 5.5% of the gross amount of sale proceeds, and out-of-pocket expenses incurred for advertising and transportation not to exceed \$1,500.00 to the auctioneer approved by this Court.

9. A response, objection, or bid by a creditor or other party in interest may be submitted at the hearing or filed prior to the hearing in writing with the United States Bankruptcy Court for the Western District of Michigan, One Division Avenue NW, Room 200, Grand Rapids, Michigan 49503, with copies of the same being served upon the Trustee’s counsel, Troy W. Stewart, 412 S. Union Street, Traverse City, Michigan 49684.

10. Any person who desires additional information may contact Troy W. Stewart, counsel for the Trustee, at 231-947-7900.

WHEREFORE, the Trustee respectfully requests of this Court as follows:

- A. To enter an Order approving and granting the Trustee’s Motion to Sell Real Property; and
- B. To provide such further and additional relief that this Court deems just and equitable under the circumstances presented.

ZIMMERMAN, KUHN, DARLING, BOYD,  
QUANDT and PHELPS, PLC

/s/ Troy W. Stewart

Dated: September 10, 2009

By \_\_\_\_\_

Troy W. Stewart (P61856)  
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