

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

IN RE:

CASE NO.: HG 09-04536

FUEL SYSTEMS INC.,

CHAPTER 7

HON. JEFFREY R. HUGHES

Debtor.  
\_\_\_\_\_ /

**NOTICE OF HEARING AND COURT AUCTION SALE**

**RE: TRUSTEE'S MOTION FOR SALE OF PERSONAL PROPERTY  
FREE AND CLEAR OF LIENS PURSUANT TO 11 U.S.C. § 363**

The above motion has been filed with the Bankruptcy Court. Trustee is requesting in this motion the authority to sell property of the bankruptcy estate pursuant to 11 U.S.C. § 363(b). The motion also contemplates Trustee conducting an auction during that hearing at which time bidding for the described property will be permitted as set forth in the motion.

**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 **October 7, 2009 at 9:00 a.m.** at the United States Bankruptcy Court, One Division Avenue, N.W., Courtroom C, Grand Rapids, MI 49503.

You or your attorney may wish to file a response explaining your position. Such response should be received at least three business days prior to the scheduled hearing. A copy should also be served upon the party who has filed the motion 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 and may enter an order granting that relief.

You may also wish to make a bid. If so, either you or your attorney may contact Trustee prior to the hearing concerning the auction sale.

**PLEASE NOTE:** The above hearing may be adjourned or continued one or more times by telephonic or written request if no objection is made at the hearing or by oral request at the hearing if no objection is made or if the objection is overruled. The court may also sua sponte adjourn or continue the hearing one or more times. If an adjournment or continuance of the above hearing is permitted, parties in interest will not be given written notice of the adjourned or continued date or any subsequent adjournment or continuance. Information regarding the time, date and place of any adjourned or continued 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 NW, 2nd Floor, Grand Rapids, Michigan. Information about a PACER login and

password may be obtained by either contacting the PACER service center by telephone 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.psc.uscourts.gov>.

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September 15, 2009  
Date



DANIEL M. LaVILLE  
CLERK OF BANKRUPTCY COURT  
/s/  
By: Kim Davis, Deputy Clerk

**This notice has been returned to Steven L. Rayman, Esq, Esq. It is Steven L. Rayman, Esq, Esq.'s responsibility to ensure that service of this notice and the referenced motion is made consistent with Fed. R. Bankr. P. 2002(a)(2). The court, though, will serve the motion and notice upon the buyers' list that it maintains.**

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

IN THE MATTER OF:

FUEL SYSTEMS, INC.,

Case No.: 09-04536

Chapter 7 – Filed: 04/16/2009

Debtor.

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**MOTION FOR SALE OF PERSONAL PROPERTY  
FREE AND CLEAR OF LIENS PURSUANT TO 11 U.S.C. §363**

**NOW COMES** Thomas A. Bruinsma, Trustee (“Trustee”), by and through his attorneys, Rayman & Stone, and for his Motion for Sale of Personal Property Free and Clear of Liens Pursuant to 11 U.S.C. §363 (“Motion”), says as follows:

1. That this Motion pertains to the above-captioned Chapter 7 proceeding which was filed on April 16, 2009.
2. That your Trustee is the duly appointed and acting Trustee in this cause.
3. That the Trustee has received an offer to purchase the Debtor’s office equipment located at 1950 Waldorf Street, NW, Suite A, Grand Rapids, Michigan not otherwise subject to lease(s) (“Personal Property”).
4. That the Trustee has received an offer for the Personal Property from one Jason Demink (“Buyer”).
5. That, generally, the offer provides:
  - a. The Buyer shall pay the estate the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) in cash for the Personal Property. Buyer shall provide a deposit of Two Thousand and 00/100 Dollars (\$2,000.00);
  - b. The sale is “**As is, Where is**”, with the Buyer not assuming any of the estate’s liabilities except that to the extent that the Personal Property is subject to a valid lease, the Buyer may, at his option, make arrangements with the lessor(s);

- c. That access, for other potential bidders, shall be provided by the Buyer, which is currently in possession of the business premises previously occupied by the Debtor; and
- d. Bidding shall be in increments of Two Hundred and 00/100 (\$200.00) or more with the opening bid being Ten Thousand Two Hundred and 00/100 Dollars (\$10,200.00).

6. That the sale shall be subject to competitive bidding at a Court auction to be held at the United States Bankruptcy Court for the Western District of Michigan, One Division Avenue, North, Courtroom C, Grand Rapids, Michigan 49503.

7. That any other bidder(s) shall be required to express their interests in writing to the Trustee, c/o Rayman & Stone, 141 E. Michigan Avenue, Suite 301, Kalamazoo, Michigan 49007, at least two (2) days prior to the date scheduled for the Court auction and provide a deposit in the amount of Two Thousand and 00/100 Dollars (\$2,000.00) in “good” funds.

8. That the sale shall be deemed free and clear of liens pursuant to 11 U.S.C. §363(f) with the successful bidder taking free and clear of any encumbrances with such liens and encumbrances attaching to sale proceeds in the same rank, validity and priority as existed as of the date of the Petition.

9. That the closing on any sale shall be within ten (10) days of the entry an Order approving the sale.

10. That the Personal Property shall be sold “**As is, Where is**”, without representation or warranty, expressed or implied, of any kind or nature, or description, including, without limitation, any warranty of marketability, usability or fitness for any purpose. The Trustee shall not be required to inspect, test or report on the condition of the Personal Property, the operability of any system(s) contained therein or the existence of any defects of any kind, including, environmental defects, as to the Personal Property.

11. That the Personal Property 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, rank, validity and priority as existed as of the date of the Petition on said Personal Property, except that to the extent that the Personal Property subject to a lease(s). The Buyer takes subject to such lease(s). Any other liens, claims, and encumbrances shall be discharged by the entry of an Order approving this Motion. The sale is further subject to a “carve out” agreement made with one Jeffries Finance, LLC, essentially providing a “carve out” of 7.5% and payment of Trustee’s expenses, as delineated in a certain Stipulated Order Regarding Sale of Debtor’s Personal Property, Granting Modification of the Automatic Stay and Other Matters.

12. That the Trustee believes that the sale of the Personal Property, pursuant to the terms herein, is in the best interest of the estate and its creditors.

**WHEREFORE**, your Trustee prays:

1. That this Court enter an Order granting this Motion; and
2. That this Court allow a Court auction to be held at a time and place delineated by it.

**RAYMAN & STONE**  
Attorneys for Thomas A. Bruinsma, Trustee

Dated: September 4, 2009

By: \_\_\_\_\_/s/\_\_\_\_\_  
Steven L. Rayman (P30882)

**BUSINESS ADDRESS:**  
141 East Michigan Avenue, Suite 301  
Kalamazoo, MI 49007  
Telephone: (269) 345-5156