

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

IN RE:

CASE NO.: HL 09-08122

CATHLEEN PATRICIA SCHMITZ,

CHAPTER 7

HON. JEFFREY R. HUGHES

Debtor.

_____ /

NOTICE OF HEARING

On October 5, 2009, the Chapter 7 Trustee filed a document entitled "Trustee's Motion to Sell Property of Debtor at Auction" pursuant to LBR 9013 (DN 17). Trustee is requesting in her 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 at which time bidding for the described property will be permitted as set forth in the motion. Trustee has requested a hearing in this instance because a competing bid has been made.

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 **November 12, 2009 at 1:00 p.m.** at the United States Bankruptcy Court, U.S. Post Office & Federal Courthouse, 315 West Allegan Street, Room 101, Lansing, MI 48933. An auction of the property will also take place during that hearing.

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) 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>.

November 5, 2009
Date



DANIEL M. LaVILLE
CLERK OF BANKRUPTCY COURT

/s/

By: Kim Davis, Deputy Clerk

This notice shall be served via electronic notification and/or sent to the BNC for appropriate service by the court. (kd)

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

In Re:

SCHMITZ, Cathleen

Chapter 7

Case No. HL 09-08122

Debtor

TRUSTEE'S MOTION TO SELL REAL PROPERTY OF DEBTOR AT AUCTION

PLEASE TAKE NOTICE COLLEEN M. OLSON, the duly appointed
Chapter 7 Bankruptcy Trustee in this matter, states as follows:

1. This matter was filed under Chapter 7 of the Bankruptcy Code in on July 8, 2009 and Colleen M. Olson is the duly appointed chapter 7 Trustee.

2. Property of the bankruptcy estate includes land in Alpena Township, Alpena County, Michigan. Said real estate is described as follows:

See attached legal (exhibit A)

3. The Trustee has received an offer of \$14,500.00 through Century Asset Management Company (see attached auction bid - exhibit B). The real property is free and clear with the exception of real estate taxes which will be paid at closing. Trustee believes that the offer is fair market value at the present time and the offer is not a relative or insider to the best of Trustee's knowledge or belief.

4. Said sale, if approved, will cause the Bankruptcy Estate to realize monies it would not otherwise receive if the property was abandoned or not sold. This motion shall be served upon the buyer's list and in the event that a bid is received in excess of \$14,500.00 the matter shall be set for hearing. Bidding shall occur in increments of \$1,000. This motion shall be served upon the buyer's list. Higher bids shall be submitted to Century Asset Management Company, P.O. Box 61, Maple City, MI 49664 within twenty days of the date of service of this Motion.

5. The property shall be sold "AS IS, WHERE IS", without representation or warranty, expressed or implied, of any kind, nature, or description, including, without limitation, any warranty of title or of merchantability, usability, or of fitness for any particular purpose.

6. *This sale shall be conducted pursuant to Section 363 of the Bankruptcy Code, 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.*

7. *Upon closing of the sale, the following will be paid from the sale proceeds:*

- a. Closing costs and real estate taxes, if any*
- b. Auctioneer's commission and costs;*
- c. Trustee's commission;*
- d. Remaining funds will be paid to the bankruptcy estate and retained by the Trustee until further order of the bankruptcy court.*

8. *Pursuant to Local Rule 9013, if you wish to file a response, objection, or request for hearing , it must be filed by a creditor or other party in interest within twenty (20) days and in writing with the United States Bankruptcy Court for the Western District of Michigan, One Division Ave, Room 200, Grand Rapids, MI 49503 with copies of the same being served upon Colleen M. Olson, Trustee, 10850 E. Traverse Hwy, Ste 2296, Traverse City, MI 49684.*

9. *Upon receipt of an objection by the Court or higher bid, this matter will be set for hearing and Notice served upon the creditors.*

Dated: October 5, 2009

*/s/ Colleen M. Olson
COLLEEN M. OLSON (P35581)
Bankruptcy Trustee
10850 E. Traverse Hwy, Ste 2296
Traverse City, MI 49684
231-946-4735*

Date served: 10-05-2009

EXHIBIT A
LEGAL DESCRIPTION

File Number 05-0027

011-010-518

Situated in Alpena Township, County of Alpena, State of Michigan

Part of Government Lot 5, Section 10, T30N, R8E, described as follows:
Commencing at a point in the N-S 1/4 line of said Section 10, a distance of
200 feet North of the center of said Section 10; thence S84°10'E on South
line of highway 292 feet to the angle in highway; thence S57°05'E on
Southwesterly line of highway 1825 feet to angle in highway; thence
S76°30'E on Southwesterly line of highway 223.2 feet to the Point of
Beginning; thence S13°30'W 250 feet to the shore of Squaw Bay; thence
Southeasterly on shore line to a point 100 feet distant at right angles
from first mentioned line; thence N13°30'E 261 feet to the Southwesterly
line of highway; thence Northwesterly along highway 100 feet to the Point
of Beginning. Subject to any part thereof that may be used for road right
of way purposes.



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Page: 2 of 2
Kathy J Mataah, Register Alpena Co., MI DWD 17.00

END OF LEGAL DESCRIPTION

U.S. Bankruptcy Case No HL09-08122

Auction Bid Form

Location: 3117 S Partridge Point Rd., Alpena, Michigan
Item Description: 2 Bedroom, 1 Bath Cottage with 100' on Lake Huron.
Lot Size 100'x252'x100'x261'
Parcel Number: 011-010-000-518-00, Alpena Township, Alpena County

Bidder Name: GLENN H. MCCONNELL
Address: 108 W CLARK STREET
ALPENA MI 49707
Phone: 989 354-8419 Fax: _____

Total Amount of Bid - 14500.⁰⁰

Bid Deadline: On or before Wednesday, September 30, 2009, 4 PM

Submit Bid To: Century Asset Management, Inc.
 PO Box 61
 Maple City, MI 49864

Or can be faxed to 231-228-7518.

• **Terms & Conditions of Sale**

The undersigned bidder acknowledges the following terms and conditions:
 The item(s) listed above is being sold "as is" without warranties of any kind. Deposit of \$2,500, and execution of Purchase Agreement will be required within 5 days of notification of successful high bid. Payment in full will be required within 30 days of approval of Purchase Agreement.

High bid may be subject to final approval of the U.S. Bankruptcy Court/Trustee. The auction company and/or Trustee reserves the right to reject any and all bids.

Date Submitted: 9-29, 2009

Glenn H. McConnell
Bidder Signature/Title

GLENN H. MCCONNELL
Bidder Name - Printed

For additional information contact Auction Company at 231-228-6667

Exhibit B