

Form JDG11 (03/15)

**United States Bankruptcy Court
Western District of Michigan**
One Division Ave., N.
Room 200
Grand Rapids, MI 49503

IN RE: Debtor (name used by the debtor in the last 8 years, including married, maiden, trade, and address):

Patricia Eileen Dawes
12608 Broadmoor Place
Grand Haven, MI 49417
SSN: xxx-xx-7739

Debtor

Case Number 15-00091-jwb

Chapter 7

Honorable James W. Boyd

NOTICE TO PARTIES IN INTEREST OF HEARING

YOU ARE HEREBY NOTIFIED that a hearing will be held at the United States Bankruptcy Court, One Division Ave., N., 3rd Floor, Courtroom B, Grand Rapids, MI 49503 on **May 27, 2015** at **01:30 PM** to consider and act upon the following matter:

Trustee's Motion to Approve Sale of Real Property (DN 17)

If you want the court to consider your views on this matter, attend the hearing on the date stated above.

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.)

You or your attorney may wish to file a written response to the motion explaining your position. Any response shall be mailed to the Clerk of the United States Bankruptcy Court, One Division Ave., N., Grand Rapids, Michigan 49503, and should be received by the Clerk at least 7 (seven) days before the above hearing date. A copy of your responses should also be mailed upon the opposing party and his/her attorney.

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

DANIEL M. LAVILLE
CLERK OF BANKRUPTCY COURT

Dated: April 27, 2015

/S/ _____
J. Koerth
Deputy Clerk

A copy of this notice returned to Jeff A. Moyer, Esq. on April 27, 2015 for service upon the mailing matrix.

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 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 Ave., N., 2nd Floor, Grand Rapids MI 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.psc.uscourts.gov>

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In Re:

PATRICIA E. DAWES,

Debtor.

Case No. BG 15-00091

Chapter 7; Filed: 1/9/15

Honorable James W. Boyd

MOTION TO APPROVE SALE OF REAL PROPERTY

NOW COMES Chapter 7 Trustee Jeff A. Moyer, by and through his attorneys, The Bankruptcy Group, Inc., and states as his Motion to the Court the following:

1. Patricia E. Dawes (“Dawes” or “Debtor”) filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on January 9, 2015.
2. Jeff A. Moyer is the duly-appointed, qualified and acting Trustee in the Chapter 7 case.
3. Included among the assets in this bankruptcy estate is the Debtor’s interest in certain real property located in the Township of Grand Haven, County of Ottawa, and State of Michigan, commonly known as 12608 Broadmoor Place #62, Grand Haven, Michigan 49417 (the “Property”). The Property is legally described as:

Unit 62, The Homes of Hunters Woods Condominium, according to the Master Deed recorded in Liber 3426, Page 551, Ottawa County Records and designated as Ottawa County Condominium Subdivision Plan No. 310, with rights in general common elements and limited common elements as set forth in the Master Deed as described in Act 59 of the Public Acts of 1978, as amended.

Parcel No.: 70-07-14-229-047

4. The Trustee has received an offer to purchase this Property from Louis E. Prieskorn. Upon information and belief, Louis E. Prieskorn is not related to the Trustee or his counsel, the Bankruptcy Judge who might approve such sale, nor any person affiliated with the Office of the United States Trustee.
5. The terms of the offer are as follows:

a. **Property.** The subject of the proposed sale is the real property commonly known as 12608 Broadmoor Place #62, Grand Haven, Michigan 49417 (“Property”).

b. **Purchaser.** The proposed purchaser ("Purchaser") of the Property is Louis E. Prieskorn.

c. **Price.** The sale price for the Property is a cash price of One Hundred Eighty Three Thousand Five Hundred Dollars (\$183,500.00), which will not include payment of any real estate taxes, but will pay off the underlying mortgage held by the Debtor.

d. **Realtor.** By means of this motion, the Trustee is also ratifying the pre-petition realtor’s listing contract based on the realtor’s below-market commission rate.

e. **Exemption.** The Debtor has agreed to voluntarily reduce her allowed §522(d)(1) exemption in the Property by \$600, to \$17,269.73.

6. Out of the sale proceeds, the following proposed amounts are to be disbursed at the time of closing on such sale to the following parties:

a. Payoff the mortgage indebtedness in full due to Fifth Third Mortgage Company in the estimated amount of \$146,000.00.

b. Payment of realtor’s commission (\$11,010.00), other standard closing costs (\$1,581.53) and miscellaneous recording costs (\$1,603.10) customarily attributable to the seller.

c. Estimated prorated payment (\$730.00) of the real property taxes.

d. Payment to the Debtor (\$17,269.73) of her agreed reduced exemption in the Property.

d. Payment to the bankruptcy estate (\$5,305.64) of the net proceeds.

Proposed sale distribution:

Sale price:	\$183,500.00
Payoff of mortgage	\$146,000.00
Realtor’s commission	\$ 11,010.00
Other standard closing costs	\$ 1,581.53
Recording costs	\$ 1,603.10
Estimated payment of real property taxes	\$ 730.00
Payment to Debtor for her exemption	\$ 17,269.73
Payment to bankruptcy estate of net proceeds	\$ 5,305.64

7. The Trustee is seeking approval of this offer free and clear from all liens, interests or claims in accordance with §363(f) except for any claims for back real estate taxes or other liens or assessments directly related to the Property itself as identified in Paragraph 3. above. The sale will be subject to any such claims arising out of, or asserted against the property itself. Any other party holding a lien, interest or claim against the Property shall have such lien, interest or claim terminated and removed from the Property, and it shall attach to the proceeds with the same validity, rank and priority as such lien, interest or claim has with regard to the Property. Further, the Property shall be sold on an “as is” and “where is” basis. No warranty whatsoever is being made as to the usability, fitness for a particular purpose, zoning, suitability, inhabitability, environmental quality, chain of title, or any other matter. The Trustee is specifically making no warranties or representations whatsoever regarding this Property. The identified Purchaser or any other proposed Purchasers, are entirely responsible for viewing the Property, determining its suitability and value, and calculating its or their bid.

8. This sale shall be subject to the approval of the United States Bankruptcy Court for the Western District of Michigan. Based upon the Purchaser’s need to close as soon as possible, the Trustee requests the 14-day appeal period be waived. Such closing date shall be determined by the Trustee and Purchaser and/or successful high bidder, and may be extended only in writing by the mutual agreement of the Purchaser and/or successful high bidder, and the Trustee.

9. If approved, all costs and expenses incurred by the Trustee, including all administrative and legal expenses of the Bankruptcy Estate relating to the sale of this Property as well as the statutory commission and all other expenses of the sale shall be charged against the sale proceeds. Such expenses shall be a first claim against the sale proceeds in accordance with §506(c).

10. The Trustee believes that approval of the sale as outlined above is in the best interests of the estate and that it should be approved.

11. Any objections to this sale must be made in writing, and shall be filed with the U.S. Bankruptcy Court for the Western District of Michigan, One Division Avenue North, Room 200, Grand Rapids, Michigan 49503, with a copy served upon Chapter 7 Trustee Jeff A. Moyer, P.O. Box 337, Grandville, Michigan 49468-0337. Any objections must be filed prior to and served no later than the date of the appeal period for approval of the sale expiring.

12. The Trustee further requests that this property be noticed out to the Buyers List for review, consideration and possible further bids.

13. The Trustee shall solicit and accept additional bids on the Property. Any other interested potential Purchasers must contact the Trustee 2 days prior to any hearing set by the Court. Any additional bids must be cash bids, on these same terms, with the first successive bid in the amount of \$185,000.00 and bids to be in increments of at least \$500.00 thereafter. No other offer on any other terms shall be considered.

WHEREFORE, the Trustee, Jeff A. Moyer, requests the Court enter an Order granting the following relief:

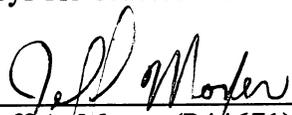
A. Authorize Jeff Moyer to sell the Property free and clear of all non-property related liens, interests or claims as outlined above, and

B. Grant such other, further or different relief as may be just and equitable under the circumstances.

Respectfully submitted,

THE BANKRUPTCY GROUP, INC.
Attorneys for Trustee Jeff A. Moyer

Dated: April 24, 2015

By: 
Jeff A. Moyer (P44671)
Business Address:
1547 Godfrey Avenue S.W.
Wyoming, MI 49509
(616) 724-1890