

Form JDG11 (10/09)

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

IN RE: Debtors (names used by the debtors in the last 8 years, including married, maiden, trade, and address):

Doug Victoria
1536 Highgate Rd.
Kalamazoo, MI 49006
SSN: xxx-xx-1354
Lisa Victoria
1536 Highgate Rd.
Kalamazoo, MI 49006
SSN: xxx-xx-9398

Debtors

Case Number 14-05387-jtg

Chapter 7

Honorable John T. Gregg

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 C, Grand Rapids, MI 49503 on **November 13, 2014** at **10:00 AM** to consider and act upon the following matter:

Trustee's Motion to Sell Real Property

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: October 24, 2014

/S/ _____
Kim Davis
Deputy Clerk

A copy of this notice returned to Thomas C. Richardson, Esq. on October 24, 2014 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 - SOUTHERN DIVISION

* * * * *

IN RE:

Case No. GK 14-05387
(Chapter 7 filed 8/13/14)

DOUG VICTORIA and
LISA VICTORIA,

HON. JOHN T. GREGG
Bankruptcy Judge

Debtors

_____ /

MOTION TO SHORTEN NOTICE

Thomas C. Richardson, Trustee, moves to shorten notice, pursuant to Bankruptcy Rule 9006(c), as follows:

1. He is the Trustee in this Chapter 7 filed August 13, 2014.
2. He has filed a Motion to Sell Real Property Pursuant to 11 U.S.C. §363(f) to get approval for sale of Debtors' real estate at 422 S. Stewart Avenue, Big Rapids, MI .
3. Shortened notice is requested because the Purchase Agreement provides closing occur by November 21, 2014.

WHEREFORE, Thomas C. Richardson, Trustee, requests an Order providing that the time period be shortened as to the Motion to Sell Real Property Pursuant to 11 U.S.C. §363(f) so as to allow a hearing thereon to be held on Thursday, November 13, 2014 at 10:00 a.m. at the Bankruptcy Court in Grand Rapids, Michigan.

Dated: __10/24/14__

_____/s/_____
Thomas C. Richardson, Trustee (P31750)
P.O. Box 51067
Kalamazoo, MI 49005
(269) 349-7415

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

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IN RE:

Case No. GK 14-05387
(Chapter 7 filed 8/13/14)

DOUG VICTORIA and
LISA VICTORIA,

HON. JOHN T. GREGG
Bankruptcy Judge

Debtors

_____ /

ORDER TO SHORTEN NOTICE

PRESENT: HON. JOHN T. GREGG, Bankruptcy Judge

THIS MATTER having come before the Court upon the Motion to Shorten Notice regarding a certain Trustee's Motion to Sell Real Property Pursuant to 11 U.S.C. §363(f), and the Court having reviewed said Motion and having found that the relief prayed for is proper and warranted under the circumstances and in accordance with Bankruptcy Rule 9006(c);

IT IS HEREBY ORDERED that notice of Trustee's Motion to Sell Real Property Pursuant to 11 U.S.C. §363(f) shall be shortened to twenty (20) days so as to allow a hearing thereon to be held on Thursday, November 13, 2014 at 10:00 a.m. at the Bankruptcy Court in Grand Rapids, Michigan.

IT IS FURTHER ORDERED that on or before October 24, 2014, Trustee shall serve a copy of this Order and the motion on the matrix.

Prepared Order:
Thomas C. Richardson (P31750)
LEWIS, REED & ALLEN, P.C.
136 E. Michigan Ave., Ste.800
Kalamazoo, MI 49007
(269) 388-7699

END OF ORDER

Signed: October 24, 2014



John T. Gregg
John T. Gregg
United States Bankruptcy Judge

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

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IN RE:

Case No. GK 14-05387
(Chapter 7 filed 8/13/14)

DOUG VICTORIA and
LISA VICTORIA,

HON. JOHN T. GREGG
Bankruptcy Judge

Debtors

MOTION TO SELL REAL PROPERTY PURSUANT TO 11 U.S.C. §363(f)

Thomas C. Richardson, Trustee, through counsel, moves for sale of real property under Bankruptcy Code §363(f) as follows:

1. He is the duly appointed and acting Trustee in this Chapter 7 proceeding filed August 13, 2014.
2. Included in the property in this estate is real estate located at 422 S. Stewart Avenue, Big Rapids,

Michigan, (the "Real Estate") and described as follows:

City of Big Rapids, Mecosta County, State of Michigan, and more particularly described as: Lot 11 of Block 36 of Warren and Ives (Original) Plat to the City of Big Rapids, Michigan, Mecosta County, Michigan according to the recorded plat thereof.
Tax #17-14-154-014

3. The Real Estate was subject to the mortgage of Federal Home Loan Corporation which went to foreclosure sale on July 2, 2014 and was sold for \$50,150.00 with interest accruing at 2.875% from that date. Trustee is not aware of any other liens or encumbrances.

4. The Trustee has received an offer to purchase the said Real Estate from Russell J. Monroe for the sum of \$63,000.00. The offeror is not an insider.

5. The Trustee proposes that the Real Estate be offered for sale in open Bankruptcy Court on the following terms:

- (a) A copy of the Monroe offer shall be available at the Bankruptcy Court Clerk's Office, One Division Avenue, NW, Room 200, Grand Rapids, MI, for review by interested parties during business hours.
- (b) Bidding will commence at \$64,000.00 with subsequent bids in increments of not less than \$500.00.
- (c) The sale will be on a cash basis with the successful bidder being required to deposit \$1,000.00 with the Trustee (in cash or by cashier's check or other certified funds) at the conclusion of the bidding and to provide to the Trustee, prior to the sale in Court, proof satisfactory to the Trustee of his/her/its financial ability to close the transaction. The deposit of the successful bidder shall be retained by the Trustee and shall not be refundable in the event the successful bidder fails to close the purchase. No contingent bids shall be received. The total balance of the bid price shall be paid at closing.

- (d) The Real Estate will be sold on an "as is, where is" basis, without representation or warranty, express or implied, of any kind, nature or description, including, without limitation, any warranty by description or marketability, merchantability, habitability, or usability, or of fitness for any purpose. The Trustee shall not be required to inspect or test or report on the condition of the Real Estate or the existence of any possible defects in the Real Estate.
- (e) All taxes which are a lien on the described property shall be paid as directed by the Bankruptcy Court. There shall be pro-ration of the current year's real estate taxes.
- (f) The sale shall be consummated by the delivery to the purchaser of a Trustee's Deed. Seller will provide an owner's policy of title insurance. Closing shall take place by November 21, 2014 or such later date as the parties may agree.
- (g) The described Real Estate shall be sold free and clear of all liens, encumbrances, and/or claims therein in accordance with 11 U.S.C 363(f), 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 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.
- (h) The expenses of custody, protection, and insurance of the Real Estate, as well as expenses of sale, including administrative and all legal expenses of these proceedings relating to the protection and sale of said Real Estate, shall be charged against the sale proceeds with priority over all claims.
- (i) Arrangements for inspection of the Real Estate to be sold can be made by contacting Susan Glatz, Realtor, Silvernail Realty, (231) 796-6329.
- (j) Any person objecting to the validity, propriety or legality, and/or having any objection of any kind to the sale as described herein, shall file a written objection to the sale on or before five (5) business days before the date set for the hearing on this Motion and simultaneously serve a copy thereof on the attorney for the Trustee at the addresses listed on this Motion, in accordance with Bankruptcy Rule 6004(b).

6. The offer which the Trustee has received is subject to a commission of six percent (6%) to be paid to Susan Glatz of Silvernail Realty, conditioned upon the consummation of the sale.

7. No real estate taxes due are due at this time. Real estate transfer taxes on \$63,000.00 would be \$541.80.

8. The Trustee believes that the sale of the Real Estate pursuant to the terms herein is in the best interests of the estate and its creditors.

WHEREFORE, Thomas C. Richardson, Trustee, prays:

A. That this Court authorize the sale of said Real Estate upon the terms and conditions set forth herein for \$63,000.00, or to any other purchaser for any additional sums as may be bid in open Court.

B. That the Court determine that the buyer is a good-faith purchaser for purposes of 11 U.S.C. §363(m).

C. That the Trustee be authorized to execute a Trustee's Deed or such other conveyance document in conformance with the within terms.

D. That the Trustee be authorized, without further Order of this Court, to pay the redemption amount from the Sheriff's Sale, the realtor's commissions, any outstanding taxes on the subject Real Estate and any lienholders and other costs and expenses needed in order for closing to take place, including real estate transfer tax.

E. That the Stay of Order under Bankruptcy Rule 6004(h) be waived so that closing may take place immediately since buyer is anxious to close.

F. For all other relief that this Court finds just and equitable.

LEWIS, REED & ALLEN, P.C.

Dated: 10/23/14

By: /s/
Thomas C. Richardson (P31750)
Attorneys for Trustee
P. O. Box 51067
Kalamazoo, MI 49005-1067
(269) 388-7600