

Form JDG11 (10/09)

**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):

Kathleen Ann Webb
Po Box 35
Pentwater, MI 49449
SSN: xxx-xx-4303

Debtor

Case Number 13-07086-jrh

Chapter 7

Honorable Jeffrey R. Hughes

NOTICE TO PARTIES IN INTEREST OF HEARING

YOU ARE HEREBY NOTIFIED that a hearing will be held at the United States Bankruptcy Court, Logan Place West, 3249 Racquet Club Drive, Traverse City, MI 49684 on **March 14, 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 3 (three) 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: February 28, 2014

/S/ _____
Kim Davis
Deputy Clerk

A copy of this notice returned to James W. Boyd, Esq. on February 28, 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>

¹ *Aliases for Debtor Kathleen Ann Webb : fka Kathleen Ann Cardwell*

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

In re:

Webb, Kathleen,

**Case No. HT13-07086
Chapter 7**

Debtor.

TRUSTEE'S MOTION TO SELL REAL PROPERTY

James W. Boyd, the duly appointed Chapter 7 Trustee in this matter, states as follows:

1. The Debtors filed a petition for relief pursuant to Chapter 7 of the Bankruptcy Code on September 5, 2013.
2. The Debtor owns residential real property that is located at 5665 W. Harriet Lane, Hamlin Township, Mason County, Michigan with a legal description:

See Attached Exhibit A
3. The scheduled value of the property is \$160,000.
4. The Trustee has received an offer of \$150,000 from Randy D. Boerema, Jr. and Amber Boerema, husband and wife, 412 Gay Street, Scottville, Michigan 49454, and he intends to sell the property for that amount.
5. If the sale to the proposed purchaser does not close for any reason, the Trustee may proceed with a sale to an alternative purchaser upon the same terms and conditions as set forth herein without further Court approval provided the purchase price is not less than \$150,000.
6. To the best of the Trustee's knowledge, information and belief, the proposed purchaser has no association with the Debtor or any party in interest.
7. The sale will result in a distribution to creditors and is in the best interests of the Bankruptcy Estate.
8. The Trustee and the debtor have agreed to equally divide the net proceeds, after all fees, commissions, and costs are deducted from the gross sale price, to settle in full the debtor's Section 522(d)(1) and Section 522(d)(5) exemptions.
9. Upon approval of the sale, the following disbursements shall be deducted from the sale proceeds and paid without further order of the Court as follows:
 - a. Normal closing costs of the sale, including title insurance, settlement costs, recording fees, and transfer taxes in accordance with the purchase agreement.

b. Commission of \$5, 250 will be paid to Exit Real Estate of Ludington, the listing agent, and a commission of \$5,250 to Greenridge Realty.

c. Payoff of the first mortgage to Quicken Loans in the approximate amount of \$115,000.

d. Attorney fees to Potestivo and Associates in the approximate amount of \$214.

e. Local and county taxes in the approximate amount of \$1800.

f. Debtor's claim of exemption as set forth in Paragraph 8.

g. Remaining funds will be paid to the bankruptcy estate and retained by the Trustee until further order of the Bankruptcy Court.

10. 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.

11. This sale shall be conducted pursuant to Section 363 of the Bankruptcy Code, and the property shall be sold free and clear of all liens, interests, and encumbrances. To the extent that any such liens, interests, or encumbrances exist, the same shall attach to the proceeds of the sale in their present order, rank, and priority.

12. Any person who desires additional information may contact James W. Boyd at 231-947-7901 extension #1.

13. A response or objection by a creditor or any other party in interest may be submitted at the hearing or filed prior to the hearing scheduled on this motion in writing with the United States Bankruptcy Court, One Division Avenue, N.W., Room 200, Grand Rapids, Michigan 49503, with copies of the same being served upon James W. Boyd, Trustee, 412 South Union Street, Traverse City, Michigan 49684.

The Trustee requests of this Court:

- a. To approve this *Motion to Sell Real Property*, and
- b. To waive the stay imposed by Bankruptcy Rule 6004(h), and
- c. To provide such other relief as is just and equitable.

Dated: February 27, 2014

/s/ James W. Boyd

James W. Boyd, Trustee
Kuhn, Darling, Boyd &
Quandt, PLC
412 South Union Street
Traverse City, MI 49684

Legal Description for Parcel Number 007-102-002-70

5665 W HARRIET LN
LUDINGTON, MI 49431

SPLIT 2000; SPLIT ON 03/13/2007 FROM 007-102-002-10 FOR 2007; SPLIT ON 09/04/2007 FROM 007-102-002-21; FOR 2008 COMM AT E 1/4 COR OF SD SEC 2 TH N 00DEG 31'49" W 370.91 FT TH N 89DEG 25'36" W 220.48 FT TO POB, TH N 00DEG 31'22" W 150.91 FT TO A CURVE TO THE RT WHOSE RADIUS IS 574.22 FT AND CENTRAL ANGLE IS 09DEG 10'15" (CHORD BEARING AND DIST IS S 86DEG 05'40" W 91.81 FT) TH ALG SD CURVE TO THE RT 91.91 FT, TH N 89DEG 30'55" W 128.79 FT, TH S 00DEG 30'54" E 143.54 FT, TH S 89DEG 25'36" E 220.48 FT TO POB AKA "PCL E" SIBJ TO EASEMENTS AND RESTRICTIONS OF RECORD SEC 2 T18N R18W .73 A M/L

RB 

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

In re:

Webb, Kathleen,

**Case No. HT13-07086
Chapter 7**

Debtor.

ORDER CONFIRMING SALE OF REAL PROPERTY

This matter having come before the Court on the Chapter 7 Trustee's *Motion to Sell Real Property*, said Motion having been served upon Debtor's counsel and all parties in interest, and the mailing matrix, the Court having considered said Motion at a hearing in Traverse City, Michigan on March 14, 2014, and there being good cause to approve said Motion, and the Court otherwise being fully advised in the premises, now, therefore,

IT IS ORDERED that the sale as set forth in the Trustee's *Motion to Sell Real Property* is approved.

IT IS FURTHER ORDERED that the Trustee has authority to sell the real property with a legal description attached as Exhibit A.

IT IS FURTHER ORDERED that such sale shall be on an "AS IS, WHERE IS" basis, without representation or warranty of any kind, nature or description, including, without limitation, any warranty of title or of merchantability, usability, or of fitness for any particular purpose.

IT IS FURTHER ORDERED that sale of this property shall be free and clear of all liens, interests and encumbrances, and to the extent that such liens, interests and encumbrances exist, they shall attach to the proceeds in their present order, rank and priority.

IT IS FURTHER ORDERED that upon approval of the sale, the following disbursements shall be deducted from the sale proceeds and paid without further order of the Court as follows:

- a. Normal closing costs of the sale, including title insurance, settlement costs, recording fees, and transfer taxes in accordance with the purchase agreement.
- b. Commission of \$5,250 will be paid to Exit Real Estate of Ludington, the listing agent, and a commission of \$5,250 to Greenridge Realty.
- c. Payoff of the first mortgage to Quicken Loans in the approximate amount of \$115,000.

- d. Attorney fees to Potestivo and Associates in the approximate amount of \$214.
- e. Local and county taxes in the approximate amount of \$1800.
- f. Debtor's claim of exemption as set forth in Paragraph 8 of the Motion.
- g. Remaining funds will be paid to the bankruptcy estate and retained by the Trustee until further order of the Bankruptcy Court.

IT IS FURTHER ORDERED that the stay imposed by Bankruptcy Rule 6004(h) is waived.

End of Order

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

In re:

Webb, Kathleen,

Case No. HT13-07086

Chapter 7

Debtor.

_____ /

**MOTION TO REDUCE TIME FOR NOTICE
OF TRUSTEE'S INTENT TO SELL REAL PROPERTY**

James W. Boyd, the duly appointed Chapter 7 Trustee in this matter, moves this Court to reduce the time period for notice of the Trustee's intent to sell real property as follows:

1. The Debtor owns residential real property located at 5665 West Harriet Lane, Hamlin Township, Mason County, Michigan with a legal description attached as Exhibit A.

2. The Trustee believes that good cause exists to reduce the time period for notice in that the mortgage lender has extended the redemption period until March 25, 2014, and the Trustee is concerned that the mortgage lender will foreclose if the closing is not completed by the end of the extended redemption period. If the residential real property is not closed by March 25, 2014, the bankruptcy estate will receive no proceeds on behalf of the creditors.

The Trustee respectfully requests this Court as follows:

a. To reduce the time period necessary for notice with respect to the Notice of Trustee's Intent to Sell Personal Property from 21 days to _____ days, or to such other time as the court deems appropriate in order for the Notice of Trustee's Intent to Sell Real Property to be heard by the Court on March 14, 2014.

b. To provide such other relief as is just and equitable.

Dated: February 27, 2014

/s/ James W. Boyd

James W. Boyd (P32977)
Trustee in Bankruptcy
412 S. Union Street
Traverse City, Michigan 49684
(231) 941-3446

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

In re:

Webb, Kathleen,

**Case No. HT13-07086
Chapter 7**

Debtor.

**ORDER APPROVING MOTION TO SHORTEN TIME FOR NOTICE
OF MOTION TO SELL PERSONAL PROPERTY**

At a session of this Court held In Grand Rapids, Michigan on

PRESENT: The Honorable Daniel S. Opperman, Bankruptcy Judge

This Court having read the foregoing Motion to Shorten Time for Notice of Motion to Sell Personal Property, and having fully considered same,

IT IS ORDERED that the time period necessary for notice with respect to the Notice of Motion to Sell Personal Property is shortened from 21 days to 7 days.

IT IS FURTHER ORDERED that a hearing on this matter shall be held in Traverse City, Michigan on March 14, 2014.

End of Order

Signed: February 28, 2014



Daniel S. Opperman
Hon. Daniel S. Opperman
United States Bankruptcy Judge