

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):

Rodney Ross Gregg
6318 Woodland Rd.
Woodland, MI 48897-9729
SSN: xxx-xx-5419

Debtor

Case Number 14-07781-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 **April 16, 2015 at 01:30 PM** to consider and act upon the following matter:

Trustee's Motion for Sale of Real Properties (DN 16)

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: March 25, 2015

/S/ _____
J. Koerth
Deputy Clerk

A copy of this notice returned to Steven L. Rayman, Esq. on March 25, 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.miw.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 THE MATTER OF:

RODNEY ROSS GREGG,

Case No.: 14-07781

Chapter 7 - Filed: 12/18/2014

Debtor.

_____ //

**MOTION FOR SALE OF REAL PROPERTIES FREE AND CLEAR OF LIENS
PURSUANT TO 11 U.S.C. § 363(f)**

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

1. That this Motion pertains to the above-captioned Chapter 7 proceeding which was filed on December 18, 2014.
2. That your Trustee is the duly appointed and acting Trustee in this cause.
3. That among the assets of this estate there exists two (2) parcels of real estate, Parcel 1 located at 14108 Maier Drive, Lake Odessa, Michigan ("Former Residence") and Parcel 2 located on Lakewood Drive, Lake Odessa, Michigan (no number) ("Garage").
4. That the legal description of the Former Residence and Garage are attached as Exhibit "A" and are referred to herein collectively as the "Real Properties".
5. That the Real Properties are encumbered by certain mortgages in favor of one Union Bank of Lake Odessa, Michigan ("Union Bank"). The mortgages are cross-collateralized. There is no equity in the Real Properties for the estate but for the prospect that the Real Properties would be sold at public auction in the manner set forth in this Motion.
6. That your Trustee proposes that a public auction be held for the Real Properties at the time and place scheduled for the hearing on the Motion in this matter. Union Bank has

agreed to bid a total of \$167,104.00 (a credit bid of \$137,104.00 plus \$2,500.00 in cash for the Former Residence; and a credit bid of \$25,000.00 plus \$2,500.00 in cash for the Garage) for the Real Properties pursuant to 11 U.S.C. §363(k). If another bidder is the winning bidder for one or both of the Real Properties, Union Bank has agreed to allow the estate to retain the \$2,500.00 from the sale of each such Real Property as a "carve out" in consideration for the sale, i.e., for each Real Property, Union Bank's claim will be reduced by the amount of (i) its credit bid, less \$2,500.00, if it is the winning bidder, or (ii) the amount it actually receives from the sale of the Real Property.

7. That the sale, other than the bid provided for under 11 U.S.C. §363(k) shall be on a cash basis, with the successful bidder, if other than Union Bank, to provide the Trustee with sufficient evidence of ability to close on the sale.

8. That the Real Properties 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 Real Properties, the operability of any system(s) contained therein or the existence of any defects of any kind, including, environmental defects, as to the Real Properties.

8. That, as stated, the Real Properties shall be sold free and clear of all liens, encumbrances and/or claims therein **other than such liens or encumbrances as are superior to Union Bank**. Union Bank and/or any other successful purchaser shall take subject to said superior liens or encumbrances. Liens and encumbrances subordinate to those of Union Bank shall be deemed discharged. All closing costs, including transfer taxes and other charges shall be

payable by Union Bank or the successful purchaser such that the "carve out" shall be net to the estate. Upon information, the following liens have priority over Union Bank:

- a. *Ad valorem* taxes in the amount of approximately \$1,200.00 or more.

9. That upon information, there are no liens subordinate to Union Bank. To the extent that any such liens exist, they should be deemed discharged by the Order granting this Motion. The sale shall also be free and clear of any interests of Deborah Gregg by way of dower pursuant to 11 U.S.C. §363(g) as the Real Properties are not titled jointly.

10. That liens shall attach to proceeds in the same rank, validity and priority as existed prior to the petition with such liens, encumbrances and mortgages attaching to proceeds. The sale shall be free and clear of all liens subordinate to Union Bank, pursuant to 11 U.S.C. § 363(f).

11. That the Trustee further proposes that, in the event that the successful purchaser fails to close, that the Trustee be authorized to complete the sale to a "back-up" bidder, if any there is.

12. That the Trustee believes that the sale of the Real Properties, pursuant to the terms herein, is in the best interest of the estate and its creditors as the estate will receive the net proceeds of sale, same being \$5,000.00.

13. That your Trustee believes that proposed sale will be of benefit to the estate.

WHEREFORE, your Trustee prays:

A. That this Court enter an Order approving the sale of the Real Properties by public auction as delineated in this Motion;

B. That this Court authorize and order the Trustee to take bids on the Real Properties in open Court at the time and place scheduled for this Motion;

C. That the Court take bidding on the Real Properties in the aggregate and then in separate lots, as appropriate; and

D. That this Court Order such other relief that it finds just and equitable.

RAYMAN & KNIGHT
Attorneys for Trustee

Dated: March 23, 2015

By: _____/s/_____
Steven L. Rayman (P30882)

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

Parcel 2
lots 14 and 15 of Maier Park Subdivision, Township of Odessa, County of Ionia, Michigan, according to the plat thereof,
is recorded in Liber 3, Page 13.

W034

EXHIBIT

A

Parcel 3
Lot 18 and the West 1/2 of lot 17, Lakewood Acres No. 2, Township of Woodland, County of Barry, Michigan, according to the recorded plat thereof in Liber 5 of Plats, Page 69.

*Vacant
land*