

Form JTG15 (07/15)

**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):

**Douglas A Howard**  
50140 Magician Lake Road  
Dowagiac, MI 49047  
SSN: xxx-xx-7588

Debtor

**Case Number 12-10897-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, Federal Building, U.S. Courthouse, Room 114, 410 W. Michigan Avenue, Kalamazoo, MI 49007 on **August 17, 2018 at 10:00 AM** to consider and act upon the following matter:

**Trustee's Motion for Authority to Sell the Estate's Interest in Judgment**

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. A response shall be mailed to the Clerk of the United States Bankruptcy Court, One Division Ave., N., 2nd Floor, Grand Rapids MI 49503, and should be received by the Clerk at least seven (7) days before the above hearing date. A copy of your response should also be mailed to the opposing party and his/her attorney.

If you or your attorney do not file a written response, the court may decide to grant the relief sought in the motion without the need for a hearing or further notice.

DANIEL M. LAVILLE  
CLERK OF BANKRUPTCY COURT

**Dated:** July 3, 2018

/S/ \_\_\_\_\_  
V. Wyn  
Deputy Clerk

A copy of this notice returned to Trustee for service upon requisite parties.

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](http://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>

<sup>1</sup> Aliases for Debtor Douglas A Howard : aka Douglas A. Howard Jr

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

In Re:

DOUGLAS A. HOWARD,

Debtor(s).

Case No. 12-10897-jtg

Chapter 7

Filed: 12/20/2012

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**MOTION FOR AUTHORITY TO SELL THE ESTATE'S INTEREST IN  
JUDGMENT**

**NOW COMES** Stephen L. Langeland, Trustee, moves for a sale of real property of the estate pursuant to 11 U.S.C. §363 as follows:

1. He is the duly appointed and acting Chapter 7 Trustee in this case filed under Chapter 7 on December 20, 2012.
2. Included in the property of this estate is the Trustee's Judgment against the Debtor in the amount of \$11,100.00 ("Judgment"). The Trustee obtained the Judgment against the Debtor in State Court as a result of the Debtor's default in paying the Trustee a prior negotiated settlement of non-exempt equity in real property..
3. Attached hereto is a copy of the Judgment.
4. The Trustee has attempted to sell the judgment by soliciting offers from various entities that purchase judgments.e.
6. That the only offer that the Trustee has received is the sum of \$2,500.00 received from Fred L. Junker, 7215 Ravine Road, Kalamazoo, MI 49009.
7. That it is in the best interest of this estate and its creditors that the said asset be offered for sale at public auction in open court at the earliest possible date, subject to the following terms and conditions:
  - A. **PROPERTY:** The property to be sold is described above.
  - B. **BIDDING:** Bidding will commence with the bid of Fred L. Junker in the amount of \$2,500.00 with subsequent bids in increments of not less that \$100.00.

Sale shall be in cash or certified funds at the conclusion of the bidding in open court. No contingent bids shall be received. Closing shall take place as soon as possible at a date mutually agreed upon by the Trustee and the Purchaser, and the total balance of the bid price shall be paid at closing. The successful bidder will receive an assignment of Judgment from the Trustee

In order to expedite closing as soon as possible, the stay provisions of Fed.R.Bankr.P.6004(g) shall be set aside as null and void.

- C. TERMS: The property will be sold on an "as is," "where is" basis, without representation or warranty, express or implied, of any kind, nature or description including, but not limited to, any warranty about description or marketability, merchantability, or usability or a fitness for any purposes.
  - D. FREE AND CLEAR OF LIENS: The property will be sold free and clear of any interest in such property of any entity other than the estate pursuant to 11 U.S.C. §363 (f). The Trustee is not aware of any other entity with an interest in the property.
8. Any person objecting to the validity, proprietary 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 copies on the attorney for the Trustee and the Trustee at the address listed in this Motion and, in accordance with Federal Rule of Bankruptcy Procedure 6004(b).
9. The Trustee reserves the right to withdraw this Motion at any time prior to completion of the hearing thereon.

**WHEREFORE**, the Trustee requests that this Court enter an Order Confirming Sale of the property as set forth above, to Fred L. Junker for the sum of \$2,500.00 or to such other purchaser for such additional sums as may be bid at the hearing in open Court, that Stephen L. Langeland, Trustee be authorized to take such steps, make such payments, and execute such documents as reasonably necessary to implement and effectuate said sale, and that the Court grant such further relief as may be just and equitable under the circumstances.

Dated: 7-1-18

  
\_\_\_\_\_  
Stephen L. Langeland, Trustee

Original - Court  
1st copy - Plaintiff  
2nd copy - Defendant

Approved, SCAO

STATE OF MICHIGAN  
4th JUDICIAL DISTRICT  
JUDICIAL CIRCUIT

JUDGMENT  
Civil

CASE NO.

18-0630 GC

Court address

6026 M-62, Cassopolis, MI 49031

Court telephone no.

2694454477

Plaintiff(s)

Stephen L. Langeland, Trustee in Bankruptcy

Defendant(s)

Douglas A. Howard

Plaintiff's/Plaintiff's attorney name, address, and telephone no.

Stephen L. Langeland (P32583)  
6146 W. Main St., Ste. C  
Kalamazoo, MI 49009  
(269) 382-3703

Defendant's/Defendant's attorney name, address, and telephone no.

☒ JUDGMENT

For: Plaintiff - Stephen L. Langeland

Against: Defendants - Douglas Howard

☐ Trial

☐ Summary Disposition

☒ Consent

☐ Default\*

☐ DISMISSAL

☐ Without prejudice

☐ No cause of action

☐ With prejudice

\*For a defendant on active military duty, default judgment shall not be entered except as provided by the Servicemembers Civil Relief Act.

**ORDER OF JUDGMENT NOT INCLUDING STATUTORY INTEREST**

Damages:

Costs (fees): filing \$ 160.00 jury \$ \_\_\_\_\_ motion \$ \_\_\_\_\_ service \$ \_\_\_\_\_

Attorney fee: ☒ statutory ☐ other (specify) \_\_\_\_\_

Total judgment amount (This judgment will earn interest at statutory rates, computed from the filing date of the complaint.):

\$ 10,940.00  
\$ 160.00  
\$ 11,100.00

☐ The defendant shall pay the judgment in installment payments of \$ \_\_\_\_\_ each \_\_\_\_\_ starting \_\_\_\_\_ until the judgment is paid in full. The plaintiff shall not issue a periodic garnishment as long as payment is made.

Other conditions, if any:

☐ Approved as to form, notice of entry waived.

IT IS ORDERED that this judgment is granted.

This judgment resolves the last pending claim and closes the case unless checked here ☐

Judgment date

Judge/Court clerk

Plaintiff/Attorney

Defendant/Attorney

Judgment has been entered and will be final unless within 21 days of judgment date a motion for new trial or an appeal is filed.

**STATUTORY INTEREST**

The judgment interest accrued from the filing of the complaint to judgment is \$ \_\_\_\_\_ and is based on:

(If additional rates apply, attach a separate sheet.)

☐ the statutory rate of \_\_\_\_\_ % from \_\_\_\_\_ to \_\_\_\_\_

☐ the statutory 6-month rate(s) of \_\_\_\_\_ % from \_\_\_\_\_ to \_\_\_\_\_ and \_\_\_\_\_ % from \_\_\_\_\_ to \_\_\_\_\_

**CERTIFICATE OF MAILING**

I certify that on this date I served a copy of this judgment on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

Date

Signature