

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):

Phillip M. Wirtz II
5191 Assyria Road
Nashville, MI 49073
SSN: xxx-xx-6454

Debtor

Case Number 14-07272-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 Motorcycle (DN 27)

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.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 THE MATTER OF:

PHILLIP M. WIRTZ, II,

Case No.: 14-07272

Chapter 7 - Filed: 11/19/2014

Debtor.

_____ //

**MOTION FOR SALE OF MOTORCYCLE FREE AND
CLEAR OF LIENS PURSUANT TO 11 U.S.C. §363**

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

1. That this Motion pertains to the above-captioned Chapter 7 proceeding which was filed as a Chapter 7 proceeding on November 19, 2014.
2. That Trustee is the duly appointed and acting Trustee in this cause.
3. That among the assets of this estate there exists a certain 2008 Suzuki Motorcycle, VIN: JS1VS55A082101404 ("Motorcycle").
4. The Trustee has received an offer to purchase the Motorcycle from MC Supply of Hastings, Michigan (“Purchaser”), for the sum of \$2,000.00.
5. That the Purchaser has been storing the Motorcycle and has legitimate storage charges of \$270.00 and that the \$2,000.00 is net to the estate.
6. That an auction of the Motorcycle will be held at the hearing scheduled for this Motion. Any party desiring to place a bid must be present at the hearing and be prepared to bid.
7. The Trustee will take bids for the Motorcycle beginning with an opening bid of \$2,400.00 with subsequent bids being in increments of at least \$100.00.
8. That the sale shall be on a cash basis, with the successful bidder being

required to make such deposit(s) as is required by the Trustee.

9. That the Motorcycle shall be sold “**As is, Where is**” without representation of 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 Motorcycle, the operability of any system(s) on the Motorcycle or the existence of any defects in the Motorcycle.

10. That the Motorcycle shall be sold free and clear of all liens, encumbrances and or claims therein, with said liens, encumbrances and or claims attaching to the sale proceeds, in the same order, rank validity and priority as now exists on the Motorcycle. Upon information, there are no liens against the Motorcycle.

11. That the Trustee believes that the sale of the Motorcycle, pursuant to the terms herein, is in the best interest of the estate and its creditors.

12. That your Trustee believes that the 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 Motorcycle as delineated in this Motion; and

B. That this Court order such other relief that it finds just and equitable.

RAYMAN & KNIGHT
Attorneys for Thomas A. Bruinsma, Trustee

Dated: March 23, 2015

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

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