

Form SWD12 (01/14)

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

<p>IN RE: Debtors (names used by the debtors in the last 8 years, including married, maiden, trade, and address):</p> <p>Thomas J. Crowley 8559 Woodruff Drive SW Byron Center, MI 49315 SSN: xxx-xx-8996 Yoshie Y. Crowley 8559 Woodruff Drive SW Byron Center, MI 49315 SSN: xxx-xx-4326</p> <p style="text-align: right;">Debtors</p>	<p>Case Number 13-06195-swd</p> <p>Chapter 7</p> <p>Honorable Scott W. Dales</p>
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NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST
TRUSTEE'S MOTION TO SELL PROPERTY

Please take notice that the above-referenced motion has been filed with the Bankruptcy Court. **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.)

If you want the court to consider your view on this matter, attend the hearing scheduled for February 18, 2015 at 10:00 AM at the United States Bankruptcy Court, One Division Ave., N., 2nd Floor, Courtroom A, Grand Rapids, MI 49503.

You or your attorney may wish to file a response explaining your position. Such response should be **received** at least five business days prior to the scheduled hearing. A copy should also be served upon the party who has filed the motion and to his/her attorney.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.



DANIEL M. LAVILLE
CLERK OF BANKRUPTCY COURT

Dated: January 26, 2015

/S/ _____
Kathy Trapp
Deputy Clerk

Notice returned to Rachel Hillegonds, Esq. for appropriate service: (1/26/15-kmt)

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 new hearing date. 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 Avenue North, 2nd Floor, Grand Rapids, Michigan 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
WESTERN DISTRICT OF MICHIGAN**

**IN RE: THOMAS J. CROWLEY and
YOSHIE Y. CROWLEY ,
Debtors.**

**Case No. 13-06195-swd
Chapter 7 filed 08/02/13
Honorable Scott W. Dales
U.S. Bankruptcy Judge**

MOTION TO SELL PROPERTY

Trustee, John A. Porter (“Trustee”), by and through his attorneys, Miller Johnson, as his Motion to Sell Property (“Motion”), states the following:

1. On August 2, 2013 (the “Petition Date”), Thomas J. Crowley and Yoshie Y. Crowley (“Debtors”) filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code.
2. John A. Porter was appointed and continues to serve as the Chapter 7 Trustee in this case.
3. According to the Debtors’ *Schedule A-Real Property*, on the Petition Date, the Debtors owned property located at 338 Peace Manor, Palmetto, Florida 34221 (the “Property”) with a fair market value of \$18,000.00. The Property consists of Lot 338 in Leisure Lake Mobile Home Park and the attached 1988 mobile home.
4. Although the Debtors have exempted \$2,033.00 of equity in the Property on *Schedule C – Property Claimed as Exempt*, they do not wish to retain the Property and have surrendered it to the Trustee.
5. According to the Debtors’ *Schedule D-Creditors Holding Secured Claims*, on the Petition Date, there were no secured creditors with liens against the Property.

6. However, since the Petition Date, monthly lot rent/dues to Leisure Lake Mobile Home Park have accrued against the Property in the approximate amount of \$2,500.00.¹

7. Leisure Lake Mobile Home Park will be paid in full upon the closing.

8. Upon information and belief, no other parties claim an interest in the Property.

9. The Trustee has received an offer to purchase the Property from Connie Thompson (“Ms. Thompson”).

10. Ms. Thompson has offered to purchase the Property for the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00). The purchase price will be paid in cash at a closing to be held immediately after a sale has been approved by this Court.

11. All expenses of custody, protection and insurance of the Debtors’ interest in the Property, as well as expenses of sale, including administrative and all legal expenses of the bankruptcy proceeding relating to the protection and sale of the Debtors’ interest in the Property, shall be charged against the sale proceeds, with priority over all claims.

12. The Trustee proposes to sell the Property to the highest and best bidder at an auction conducted on the day of the hearing scheduled on this Motion.

13. The bidding at said auction shall commence at the amount of Ms. Thompson’s offer (i.e., \$20,000.00). Thereafter, bidding will be increments of no less than Five Hundred Dollars (\$500.00).

14. The sale of the Property shall be on a cash basis. Any further offers for the Property shall be for cash on similar terms.

15. The Trustee shall have the right to refuse to recommend confirmation of any bid which does not in his judgment assure a reasonable monetary return to the estate.

¹ This amount is an estimate, and the Trustee intends to obtain an accurate payoff before closing.

16. Prospective purchasers should direct any questions they have concerning the Property to the Trustee's attorney:

Rachel Hillegonds
Miller Johnson
PO Box 306
Grand Rapids, MI 49501-0306
(616) 831-1711,

before the proposed hearing date.

17. The Property shall be sold free and clear of all liens or claims.

18. The sale of the Property shall be on an "as is, where is" basis, without representation or warranty expressed or implied of any kind, nature or description, including, without limitations, any warranty by description or of title, merchantability, feasibility, habitability or fitness for any particular purpose. The seller shall not be required to inspect or test or report on the condition of the property being sold or the existence of any possible defects in same.

19. The sale shall be upon the basis set forth above with all liens against the Property, if any, attaching to the proceeds of the sale in the same order of rank, validity and priority as they presently may exist on said property and subject to the terms described above.

20. The Trustee believes the sale of the Property to Ms. Thompson, as described above, is in the best interest of the creditors of this estate and as such proposed sale should be noticed to creditors and those parties appearing on the Buyers' List on file with the Court.

WHEREFORE, John A. Porter, Trustee, respectfully requests that this Court:

A. Enter an Order scheduling a hearing on the Motion pursuant to notice under Federal Rules of Bankruptcy Procedure 2002 and 6004;

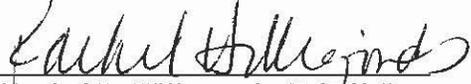
B. After any scheduled hearing, enter an Order approving the sale of the Property to Connie Thompson or whoever may make a higher bid therefore, which permits the Trustee to close the sale as soon as possible after entry of the Order and determine that the stay provided by Federal Rule Bankruptcy Procedure 6004 is inapplicable;

C. Enter an Order authorizing the Trustee to execute any and all documents he deems reasonable and necessary to consummate the sale; and

D. Grant such other and further relief as this Court may deem just, equitable and proper.

Respectfully submitted,
MILLER JOHNSON
Attorneys for Trustee

Dated: January 14, 2015

By: 
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