

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

IN RE:

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EDWARD G. JOHNSON

CASE NO.: DK11-09497  
CH. 7

Debtor(s)/

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NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

TRUSTEE'S MOTION FOR AUTHORITY TO SELL  
PROPERTY OF THE ESTATE  
RE: RIVER NOIRE YACHT CLUB BOAT SLIP #57

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 views on this matter, attend the hearing scheduled for June 23, 2015 at 10:00 a.m. at the United States Bankruptcy Court, U.S. Courthouse and Federal Building, 410 West Michigan, Room 114, Kalamazoo, Michigan.

You or your attorney may wish to file a response explaining your position. Such response should be **received** at least seven 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 or objection and may enter an order granting that relief.

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Notice returned to Stephen L. Langeland for service of notice and motion upon the matrix. Court to serve Buyer's List. (May 26, 2015-kt)

May 26, 2015

DANIEL M. LAVILLE  
CLERK OF BANKRUPTCY COURT



/s/

BY: Kathleen Trapp, Deputy Clerk

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.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 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.pcs.uscourts.gov>.

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

In Re:

EDWARD G. JOHNSON,

Debtor(s).

Case No. 11-09497

Chapter 7

Filed: September 14, 2011

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**MOTION FOR AUTHORITY TO SELL PROPERTY OF THE ESTATE**

**NOW COMES** Thomas R. Tibble, Trustee, moves for a sale of 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 September 14, 2011.

2. Included in the property of the estate is a River Noire Yacht Club Boat Slip #57 located at 300 Oak St., South Haven, Michigan ("Boat Slip").

3. The trustee has had the Boat Slip listed for sale since July 25, 2013. The Boat Slip was original listed for sale for the sum of \$15,000.00 and in 2015 the listing price was reduced to \$10,000.00.

4. The Trustee has offered the property for sale and has received an offer to purchase the property from Gregory K. Sullivan for the sum of TEN THOUSAND THREE HUNDRED DOLLARS AND NO/100 DOLLARS (\$10,300.00).

5. That it is in the best interest of this estate and its creditors that the said property be sold to Gregory K. Sullivan, subject to the following terms and conditions:

A) **PROPERTY:** The property to be sold is located at River Noire Yacht Club, 300 Oak St., South Haven, Michigan.

B) **BIDDING:** Bidding will commence with the bid of Gregory K. Sullivan in the amount of \$10,300.00 with subsequent bids in increments of not less than \$500.00.

Sale shall be on a cash basis, with the successful bidder, other than Gregory K. Sullivan, being required to make a non-refundable deposit with the Trustee in the sum of \$10,300.00 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. 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.

The Trustee shall not be required to inspect or test or report on the condition of the property or the operability of the real property or the existence of any possible defects in the property.

All real estate taxes which are a lien against the described property shall be paid out of the sale proceeds as an expense of sale. Any tax which becomes a lien on said property after the date of sale shall be paid by the purchaser, and the 2015 real estate taxes shall be prorated to the date of closing. The purchaser will receive title insurance. The sale shall be consummated by the delivery to the purchaser of a Trustee’s Deed without warranty of title.

The described property 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 of validity, rank, and priority as now exists in the said property. Any and all liens, claims, and encumbrances shall be discharged when a copy of a subsequent Order Confirming Sale entered by this Court is recorded along with the Trustee’s Deed in the Register of Deeds Office. The Trustee believes that there are condominium dues and/or assessments on the Boat Slip and said dues and/or assessments will be paid in full at closing.

The expenses of custody, protection, insurance of the property, as well as expenses of the sale, including administrative and all legal expenses of these proceedings relating to the protection and sale of said property shall be charged against the sale proceeds with priority over all claims, including payment of realtor commission and expenses to Berkshire Hathaway Realtors.

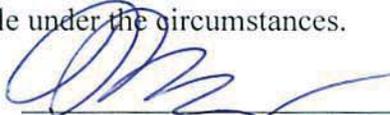
D) INSPECTION: Arrangements for inspection of the real property to be sold can be made by contacting Thomas R. Tibble, Trustee at telephone (269) 342-9482.

6. 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 twenty-one (21) days after the service of 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).

7. 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 Gregory K. Sullivan for the sum of \$10,300.00, that Thomas R. Tibble, 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: 5-22-15

  
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Stephen L. Langehand (P32583)  
Attorney for Trustee  
6146 W. Main St., Ste. C  
Kalamazoo, Michigan 49009